

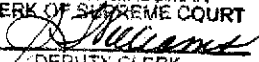
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESSICA BRANCO,
Appellant,
vs.
CURTISS ELLIOTT,
Respondent.

No. 66302

FILED

AUG 3 1 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order denying a motion to modify a child custody order. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Appellant Jessica Branco filed a motion to modify the parties' custody order to add certain language relating to the parties' behavior when exercising custody over their child. Respondent Curtiss Elliott opposed this request, and the district court subsequently denied the motion. This appeal followed.

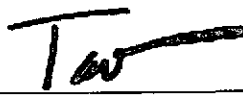
In denying the motion, the district court stated only that the existing custody order had been entered by stipulation of the parties and that the court was not inclined to modify that order in the absence of a new stipulation. Nothing in the court's order denying the motion indicates that it considered whether the requested modification would be in the best interest of the parties' child. As a result, we conclude the district court abused its discretion by denying Branco's motion to modify the parties' custody agreement without considering whether such modification would


be in the child's best interest.¹ See *Bluestein v. Bluestein*, 131 Nev. ___, ___, 345 P.3d 1044, 1049 (2015) (concluding that the district court abused its discretion by modifying a custodial agreement without setting forth specific findings that the modification was in the best interest of the child).

Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Nathan Tod Young, District Judge
Day R. Williams, Attorney at Law
Callister & Frizell
Douglas County Clerk

¹In reversing the district court's decision on this basis, we express no opinion on the merits of Branco's motion to modify the custody agreement.