

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 36094

PHILENE ELIZABETH O'KEEFE,

Appellant,

vs.

SHANON DEAN ANDERSON,

Respondent.

FILED

JUL 13 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

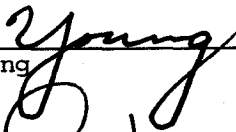
This is a proper person appeal from an order of the district court denying appellant's motion to establish paternity and from an order adopting a master's recommendation concerning child support.

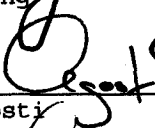
NRS 126.071(1) provides in relevant part that "an interested third party may bring an action pursuant to this chapter to declare the existence or nonexistence of the father and child relationship." NRS 126.101(2) provides that the natural mother must be made a party in a paternity proceeding. Here, the district court did not determine whether appellant was an interested third party. The district court denied appellant's motion to establish paternity, in part, on the basis that she did not seek to join the child's natural mother, nor did appellant seek leave of the court to bring an additional claim. We conclude that the district court did not err in denying appellant's motion and finding that appellant did not comply with the statutory requirements set forth in NRS 126.101(2). Further, the district court correctly noted that even if it had reached the merits and concluded that appellant was an interested third party, policy dictates that the need to establish paternity in this case was not required, since the child was born to respondent during his current marriage. See NRS 126.051(1)(a) (setting forth the presumption that a man is presumed to be the natural father of

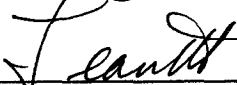
the child if he and the child's natural mother are married to each other and the child is born during the marriage).

Regarding the district court's order adopting the master's recommendation concerning child support, this court will review a child support order for abuse of discretion. See Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996). Non-custodial parents with one child are required to pay 18% of their gross monthly income or a minimum of \$100.00 in monthly child support. See NRS 125B.070(1)(b); NRS 125B.080(4). When deviating from the child support formula in NRS 125B.070, the district court is required by NRS 125B.080(6) to include specific findings of fact supporting the deviation, including the presumptive amount reflected by the statutory formula. See id. Here, the district court included the presumptive amount and specifically deviated from the statutory formula on the basis that respondent supports two other children; additionally, the court considered appellant's and respondent's incomes. See Scott v. Scott, 107 Nev. 837, 822 P.2d 654 (1991) (holding that husband's responsibility for support of present wife and children, and relative income of parties provided grounds for deviation from statutory formula). Accordingly, we conclude that the district court did not abuse its discretion in adopting the hearing master's recommendation and ordering respondent to pay \$190.00 per month in child support. We therefore

ORDER this appeal dismissed.



Young J.


Agosti J.


Leavitt J.

cc: Hon. David R. Gamble, District Judge
Douglas County District Attorney
Philene Elizabeth O'Keefe
Douglas County Clerk