

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACQUELINE OLSON N/K/A JACQUELINE  
FRY,

No. 36117

Appellant,

**FILED**

vs.

**AUG 10 2001**

WILLIAM OLSON,

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
CHIEF DEPUTY CLERK

Respondent.

ORDER OF REVERSAL AND REMAND WITH INSTRUCTIONS

This is an appeal from a district court order setting child support and ordering the parties to bear their own attorney fees.

Appellant Jacqueline Olson contends that the district court improperly modified the existing child support order. A child support order may be modified upon a showing of changed circumstances utilizing the formula set forth in NRS 125B.070.<sup>1</sup> According to the statutory formula, the "obligation for support" is 25% of the parent's gross monthly income for two children, but not more than \$500.00 per month per child.<sup>2</sup> The statutory minimum award of child support is \$100.00 per month per child.<sup>3</sup>

Additionally, the district court has discretion in setting child support awards, but it must act within the confines of the statutory scheme.<sup>4</sup> In particular, NRS 125B.080 allows the district court to deviate from the statutory formula set forth in NRS 125B.070 if it specifically

<sup>1</sup>See also NRS 125B.145(2)(b), (4).

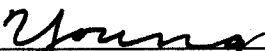
<sup>2</sup>NRS 125B.070(1).

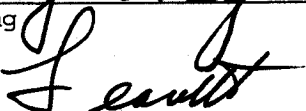
<sup>3</sup>NRS 125B.080(4).

<sup>4</sup>Jackson v. Jackson, 111 Nev. 1551, 1553, 907 P.2d 990, 991 (1995)

finds facts justifying a deviation.<sup>5</sup> NRS 125B.080 sets forth twelve factors that the district court may use when it deviates from the statutory formula and adjusts the amount of child support.<sup>6</sup>

In this case, the district court failed to make specific findings of fact explaining how it calculated Jacqueline's \$3,800.00 per month child support obligation. Further, our review of the record does not reveal how the district court arrived at that figure. Accordingly, we reverse the district court's order and remand this matter to the district court with instructions to enter specific findings of fact and conclusions of law, if any, justifying a deviation from the statutory formula so as to explain how it arrived at the \$3,800.00 per month figure.<sup>7</sup>

  
\_\_\_\_\_  
Young J.

  
\_\_\_\_\_  
Leavitt J.

  
\_\_\_\_\_  
Becker J.

cc: Hon. William O. Voy, District Judge,  
Family Court Division  
Bruce I. Shapiro  
Joseph W. Houston II  
Clark County Clerk

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<sup>5</sup>NRS 125B.080(6), (9).

<sup>6</sup>NRS 125B.080(9).

<sup>7</sup>Having reached this conclusion, Jacqueline's contention concerning the district court's failure to award attorney fees becomes moot.