

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONIA M. DANCER,
Appellant,
vs.
MICHAEL EDWARD DANCER,
Respondent.

No. 67214

FILED

JUL 23 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a fast track child custody appeal from a district court order denying appellant's motion to modify custody. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie, Jr., Judge.

Respondent has primary physical custody of the parties' child with appellant having visitation over the child's school breaks. Appellant filed a motion to modify custody alleging that her relationship with the child had deteriorated as a result of respondent's alienation. The district court denied the motion without an evidentiary hearing concluding that appellant failed to state adequate cause to modify custody. This appeal followed.


Having considered the parties' arguments and the record on appeal, we conclude that the district court did not abuse its discretion in denying the motion to modify custody without an evidentiary hearing because appellant failed to demonstrate a prima facie case that the modification was warranted by a change in circumstances and was in the child's best interest. *See Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (providing that this court reviews a child custody decision for an abuse of discretion); *see also Ellis v. Carucci*, 123 Nev. 145,

150, 161 P.3d 239, 242 (2007) (explaining that modification of primary physical custody is only warranted when there has been a change in circumstances and when the modification will serve the child's best interests); *Rooney v. Rooney*, 109 Nev. 540, 542-43, 853 P.2d 123, 124-25 (1993). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

 _____, J.

Saitta

 _____, J.

Gibbons

 _____, J.

Pickering

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division
Lansford W. Levitt, Settlement Judge
Michael A. Root
Michael Edward Dancer
Eighth District Court Clerk

¹We have determined that this appeal should be submitted for decision on the fast track statement and response and the appellate record without oral argument. *See* NRAP 3E(g)(1); *see also* NRAP 34(f)(1).

To the extent appellant's arguments are not addressed in this order, we conclude they lack merit.