

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STACY MARIE NEAGLES,  
Appellant,  
vs.  
JOSHUA NEAGLES,  
Respondent.

No. 68428

**FILED**

**MAR 02 2016**

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

*ORDER OF AFFIRMANCE*

This is an appeal from a district court divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie, Jr., Judge.

After a full evidentiary hearing, the district court awarded the parties joint physical custody of their three minor children. In determining custody, the district court considered and made specific findings with regard to each of the best interest factors, ultimately concluding that joint physical custody was appropriate.<sup>1</sup> This appeal followed.

On appeal, appellant first argues that the award of joint physical custody was an abuse of discretion because respondent's work schedule requires that he leave the children with a babysitter on one full night of his parenting time. No evidence was presented at the hearing

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<sup>1</sup>On appeal, appellant does not specifically challenge any of the district court's findings as to the best interest factors, and thus, we do not address them further herein.

that respondent's work schedule would affect the children's well-being or that the arrangements respondent had made for child care were inadequate. Thus, we conclude that the district court did not abuse its discretion by granting joint physical custody under these circumstances. See *In re Marriage of Loyd*, 131 Cal. Rptr. 2d 80, 84-85 (Ct. App. 2003) (explaining that "a parent may not be deprived of custody based upon his or her work schedule if adequate arrangements are made for the child's care in the parent's absence"); *Silva v. Silva*, 136 P.3d 371, 377 (Idaho Ct. App. 2006) (recognizing that a parent's work schedule is only relevant to a custody determination if it is shown that the schedule affects the well-being of the children).

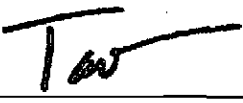
In the remainder of her brief, appellant argues that the district court improperly used the grant of joint physical custody to reward respondent for caring for the parties' children on his own for one year while appellant was stationed in Korea. Nothing in the record demonstrates that the district court awarded joint physical custody as a reward for respondent's care of the children or as a penalty for appellant's military assignment. Instead, the court merely noted that respondent's care for the children during the time that appellant was stationed overseas demonstrated that respondent was capable of exercising joint physical custody over the children.


As the record demonstrates that the district court properly considered the best interest factors and did not award joint physical custody for an improper reason, we discern no abuse of discretion in the district court's decision. See *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922

P.2d 541, 543 (1996) (providing that a district court's child custody decision is reviewed for an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division  
Ara H. Shirinian, Settlement Judge  
Pecos Law Group  
Hofland & Tomsheck  
Eighth District Court Clerk