

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARTUR TERABELIAN,
Appellant,
vs.
JULIE S. KLATT,
Respondent.

No. 68442

FILED

MAR 17 2016

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting permission to relocate with the parties' minor child.¹ Eighth Judicial District Court, Family Court Division, Clark County; Linda Marquis, Judge.

Having considered the parties' arguments and the record on appeal, we conclude that the district court did not abuse its discretion by granting respondent permission to relocate to Nebraska with the parties' minor child. *See Schwartz v. Schwartz*, 107 Nev. 378, 386, 812 P.2d 1268, 1273 (1991) (reviewing a district court's decision to grant relocation for an abuse of discretion). In particular, respondent demonstrated a sensible, good faith reason for the move, which satisfied the threshold showing of an actual advantage to respondent and the child. *See id.* at 382, 812 P.2d at 1271 (explaining that a custodial parent seeking to relocate must make a threshold showing that "an actual advantage will be realized by both the children and the custodial parent in moving to a location so far removed

¹In its order, the district court also denied appellant's motion to modify custody. As appellant makes no arguments on appeal with regard to that portion of the district court's order, we do not address it herein.

from the current residence that weekly [parenting time] by the noncustodial parent is virtually precluded”); *see also Jones v. Jones*, 110 Nev. 1253, 1266, 885 P.2d 563, 572 (1994) (noting that a custodial parent seeking permission to relocate need not demonstrate “a significant economic or other tangible benefit to meet the threshold ‘actual advantage’ showing. If the custodial parent shows a sensible, good faith reason for the move, the district court should evaluate the other factors enumerated in *Schwartz*, focusing on whether reasonable, alternative [parenting time] is possible”).²

Moreover, the district court properly found that reasonable alternative parenting time was available and that the other *Schwartz* factors, except for appellant’s motives in opposing relocation, generally supported relocation. *See Jones*, 110 Nev. at 572, 885 P.2d at 1266. Even accepting appellant’s assertion that he currently sees the child on a nearly daily basis, on this record, we cannot conclude that the district court abused its discretion by granting respondent permission to relocate. *See id.* (“If reasonable, alternative [parenting time] is possible, the burden shifts to the noncustodial parent to show that the move is not in the best interest of the children. Such a showing must consist of concrete, material

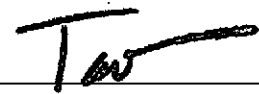
²In Nevada, the time awarded to a noncustodial parent has traditionally been referred to as “visitation,” but in an effort to more accurately reflect the nature of this time, we use the more modern term “parenting time.” *See Cynthia R. Mabry, Indissoluble Nonresidential Parenthood: Making It More Than Semantics When Parents Share Parenting Responsibilities*, 26 *BYU J. Pub. L.* 229, 231 (2012) (discussing the shift in usage of certain family law terms and explaining that “[p]arenting time, formerly called visitation, is the time awarded the non-residential parent after a divorce when the other parent is awarded custody”).

reasons why the move is inimical to the children's best interests."); *see also* *Gandee v. Gandee*, 111 Nev. 754, 763, 895 P.2d 1285, 1291 (1995) (recognizing that courts must focus on alternative parenting time schedules because, if a relocation motion is granted, "the [parenting time] that the noncustodial parent has been enjoying will necessarily be disrupted as a result of the custodial parent's intended move").

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Linda Marquis, District Judge, Family Court Division
Robert E. Gaston, Settlement Judge
Prokopius & Beasley
Schuetze & McGaha, P.C.
Eighth District Court Clerk