

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELIJAH REESE,  
Appellant,  
vs.  
BRITNIE NICOLE HUGHES,  
Respondent.

No. 66436

**FILED**

DEC 13 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order regarding child custody. Eighth Judicial District Court, Clark County; Vincent Ochoa, Judge.

Following an evidentiary hearing, the district court entered an order awarding Respondent, Britnie, primary physical custody of the parties' two minor children and approving her relocation with the minor children to Texas.<sup>1</sup> On September 27, 2016 this court entered an Order of Limited Remand directing the district court to clarify its findings regarding the allegations of domestic violence and child abduction. In response, the district court filed an Addendum to Decision including additional findings of fact and conclusions of law.

This court reviews a child custody decision for an abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 542 (1996). In making a child custody determination, "the sole consideration of the court is the best interest of the child." NRS 125.480(1) (2009).<sup>2</sup>

<sup>1</sup>We do not recount the facts except as necessary to our disposition.

<sup>2</sup>In 2015, the Legislature repealed NRS 125.480 and amended NRS Chapter 125C to include similar provisions. See A.B. 263, § 8, 78th Leg. (Nev. 2015).

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In its Decision and Addendum to Decision, the district court made findings regarding the children's best interests and concluded that "[t]here was no clear and convincing evidence of domestic violence as required by NRS 125C.230 and thus the domestic violence presumption does not apply to either party." The district court also concluded that "despite Mom's failure to follow the proper procedure for her relocation, her conduct did not constitute an act of abduction under NRS 125C.240 or NRS 200.359."


Taking all of the findings of fact and conclusions of law into consideration, we cannot say the district court abused its discretion in determining insufficient evidence existed to support the allegations of domestic violence and child abduction, or in declining to apply a rebuttable presumption against either party. We also cannot conclude that the district court erred in awarding Britnie primary physical custody and granting her request for relocation to Texas.

We therefore,

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Vincent Ochoa, District Judge  
Gerrard Cox & Larsen  
McFarling Law Group  
Eighth District Court Clerk