IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMANDA HOLBOROW,
Appellant,
vs.
CHRISTOPHER HOLBOROW,
Respondent.

No. 69952

ORDER OF AFFIRMANCE

Amanda Holborow appeals from the denial of a post-divorce decree motion to modify child support. Eighth Judicial District Court, Family Court Division, Clark County; William S. Potter, Judge.

The parties divorced in Oregon in 2013 and were awarded joint physical custody of their children. At that time, the divorce decree did not award child support to either party "[b]ecause the parties have approximately equal time with the children, and each will be supporting the children approximately fifty-percent (50%) of the time." Both parties subsequently moved to Nevada and Amanda filed the decree as a foreign judgment in June 2015, without objection from Christopher. Christopher moved back to Oregon in July 2015, while the parties' three children that are the subject of this appeal remained with Amanda in Nevada. In October 2015, Amanda filed a motion to confirm her as the primary physical custodian and to set child support. The Nevada district court denied Amanda's motion to modify child support finding Oregon, not Nevada, had jurisdiction over child support.[1] This appeal followed.

[1]We do not recount the facts except as necessary to our disposition.

On appeal, Amanda argues that the Oregon divorce decree did not include a child support order; therefore, there was no order to modify and the Nevada district court erred by determining it did not have jurisdiction to issue an order for child support.

District courts have broad discretion to determine child custody cases and this court reviews child custody determinations for a clear abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007) (citing *Rico v. Rodriguez*, 121 Nev. 695, 701, 120 P.3d 812, 816 (2005)). However, we review orders regarding continuing, exclusive jurisdiction over child support de novo. *Holdaway-Foster v. Brunell*, 130 Nev. ___, ___, 330 P.3d 471, 473 (2014).

In 1994, Congress enacted the Full Faith and Credit for Child Support Orders Act (FFCCSOA), 28 U.S.C. § 1738B, to regulate inconsistent child support orders from different states and provide guidelines for recognizing which state has continuing, exclusive jurisdiction over child support orders. *Id.* at ___, 330 P.3d at 473. "Under the Supremacy Clause of the United States Constitution, the FFCCSOA preempts any contrary or inconsistent state law, *see* U.S. Const. art. VI, cl. 2, thus, it is the controlling authority in this matter." *Holdaway-Foster*, 130 Nev. at ___, 330 P.3d at 473.

Pursuant to the FFCCSOA, "a court that has issued a child support order has continuing, exclusive jurisdiction and courts in other states are prohibited from modifying the child support order unless certain jurisdictional criteria are met." *Id.* (citing 28 U.S.C. § 1738B(e)). The FFCCSOA defines a child support order as "a judgment, decree, or order of a court requiring the payment of child support" and defines "child support" as "payment of money . . . or the provision of a benefit (including payment

of health insurance, child care, and education expenses) for the support of a child." 28 U.S.C. § 1738B(b)(4)-(5); *see also* NRS 130.10187 (similarly defining a support order).

Here, the Oregon divorce decree is a final decree providing for the children's health insurance benefit. Therefore, the decree constitutes a child support order. Although Amanda argues only that the district court erred because Oregon did not issue a child support order, because we conclude the decree did constitute such an order, we also take this opportunity to note that the Nevada district court correctly determined it did not have jurisdiction to modify the decree.

Under the FFCCSOA, a state generally has continuing, exclusive jurisdiction over an order it issued if any of the parties reside in the state. 28 U.S.C. § 1738B(d). Here, that means Oregon retained continuing, exclusive jurisdiction over its support order because Christopher was an Oregon resident at the time Amanda filed her motion. And even if Oregon did not retain continuing, exclusive jurisdiction over its order under § 1738B(d), Nevada would still lack jurisdiction to modify the decree under § 1738B(e) because the modifying state must be the state with jurisdiction over the non-movant (Christopher here), or the parties must have filed written consent to Nevada's jurisdiction to modify—neither of which are true here.[2] As such, the district court did

[2]Amanda's argument that Christopher consented to Nevada's jurisdiction because he did not contest her registration of the decree in Nevada is unpersuasive because 28 U.S.C. § 1738B(e) requires the parties to file written consent and nothing in the record indicates this was done. *See Holdaway-Foster*, 130 Nev. at ___, 330 P.3d at 474 (determining Hawaii did not have jurisdiction to modify when the parties did not file written consent to the same).

not have jurisdiction to modify the Oregon support order and did not err in so ruling.[3]

Accordingly we,

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Silver

_____, J.
Tao

_____, J.
Gibbons

cc: Hon. William S. Potter, District Judge, Family Court Division
Robert E. Gaston, Settlement Judge
Patricia A. Marr
Hofland & Tomsheck
Eighth District Court Clerk

[3]Amanda also comments that Christopher moved back to Oregon to avoid Nevada's harsher child support laws, amounting to forum shopping, but does not cogently argue or provide relevant authority to support this argument. Thus, this court need not address it. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that are not cogently argued or supported by relevant authority).