

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE SUAREZ,
Appellant,
vs.
LORENA FRANCO CEDILLO,
Respondent.

No. 66923

FILED

JUN 02 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order adjudicating child custody. Eighth Judicial District Court, Family Court Division, Clark County; Jennifer Elliott, Judge.

On appeal, appellant seeks to reverse the child custody and visitation portions of the district court's order for a variety of reasons. We cannot reach the merits of these arguments, however, because the district court's order does not include any findings with regard to why awarding sole physical and legal custody to respondent, with limited supervised parenting time by appellant, would be in the child's best interest.¹ See *Davis v. Ewalefo*, 131 Nev. ___, ___, 352 P.3d 1139, 1143 (2015) (explaining that a divorce decree that adjudicated custody without explicitly addressing the child's best interest or including relevant findings to support its decision "violate[d] Nevada law, which requires express

¹Although it appears the parties ultimately stipulated to at least some of the child custody and parenting time provisions in the challenged order, the record demonstrates that these terms were only agreed to after the district court had announced it would be ruling in respondent's favor on these issues by granting her request for a "directed verdict" and urged the parties and their counsel to "meet . . . to discuss resolution of post-trial parent-child issues for Father in light of the Court's entry of directed verdict granting" respondent her requested relief.

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findings as to the best interest of the child in custody and visitation matters”); *Jitnan v. Oliver*, 127 Nev. 424, 433, 254 P.3d 623, 629 (2011) (“Without an explanation of the reasons or bases for a district court’s decision, meaningful appellate review, even a deferential one, is hampered because we are left to mere speculation.”). As a result, we must reverse the child custody and parenting time portions of the district court’s order and remand for further proceedings consistent with this order.²

In reaching this result, we make no comment on the merits of the issues presented by appellant on appeal. Pending further proceedings on remand consistent with this order, we leave in place the custody and parenting time provisions set forth in the challenged order, subject to modification by the district court to comport with current circumstances. See *Davis*, 131 Nev. at ___, 352 P.3d at 1146 (leaving certain provisions of a custody order in place pending further proceedings on remand).

It is so ORDERED.³


_____, C.J.
Gibbons


_____, J.
Silver

²While we would normally allow respondent an opportunity to respond to appellant’s arguments before reversing the district court’s decision, *Davis* mandates reversal under the circumstances presented here given the complete absence of any findings regarding the child’s best interest. Because respondent would not be able to proffer any meritorious arguments against reversal under *Davis*, we reverse and remand this case without directing a response.

³The Honorable Jerome Tao, Judge, voluntarily recused himself from participation in the decision of this matter.

cc: Hon. Jennifer Elliott, District Judge, Family Court Division
Jose Suarez
Lorena Franco Cedillo
Eighth District Court Clerk