

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAYMOND J. KAMINSKI,  
Appellant,  
vs.  
AMY MADRIGAL,  
Respondent.

No. 68704

**FILED**

**APR 11 2016**

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

**ORDER OF REVERSAL AND REMAND**

This is an appeal from a district court divorce decree adjudicating child custody. Eighth Judicial District Court, Family Court Division, Clark County; Linda Marquis, Judge.

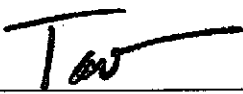
On appeal, appellant asks this court to reverse the child custody provisions of the divorce decree based on the district court's failure to find that respondent committed an act of domestic violence. Appellant also argues the district court abused its discretion by granting respondent's motion to relocate with the minor child to a different state.

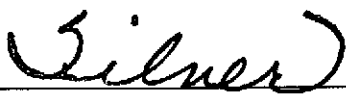
We cannot reach the merits of these arguments, however, because the divorce decree does not include any findings with regard to why awarding primary physical custody to respondent would be in the child's best interest or why the court was granting respondent's motion to relocate. *See Davis v. Ewalefo*, 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 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 reverse the child custody portions of the divorce decree and remand for further proceedings consistent with this order.<sup>1</sup> 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 relocation provisions in the decree, 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.

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

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

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

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<sup>1</sup>We recognize that the district court made oral rulings related to the custody issues, but we note that the *Davis* court focused on the lack of findings in the decree. See 131 Nev. at \_\_\_, 352 P.3d at 1143-44 (holding that “the decree or order must tie the child’s best interest, as informed by specific, relevant findings respecting the [statutory best interest factors] and any other relevant factors, to the custody determination made,” and discussing the importance of such findings being included in the decree in case a parent seeks to modify the custody arrangement at a later time). Thus, we conclude that the court’s oral findings do not provide a sufficient basis for us to perform a substantive review of the underlying decision in this case.

cc: Hon. Linda Marquis, District Judge, Family Court Division  
Carolyn Worrell, Settlement Judge  
Cramer Law Firm  
Garcia Law Ltd.  
Eighth District Court Clerk