

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOLEE H. GREGORY,
Appellant,
vs.
ERIC L. QUALLS,
Respondent.

No. 37167

FILED

JUN 20 2003

ANETTE M. BLOOM
CLERK OF SUPREME COURT
JTB

ORDER OF AFFIRMANCE

This is an appeal from a district court order declining to assume jurisdiction under the Uniform Child Custody Jurisdiction Act to address issues concerning child custody and support. Appellant asserts that the Nevada court erred in declining jurisdiction and that her due process rights were violated when the district court communicated ex parte with the Tennessee court concerning jurisdiction.

Child custody matters rest in the sound discretion of the district court.¹ Under the Uniform Child Custody Jurisdiction Act, "[i]f the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the . . . appropriate official of the other state."² "Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties."³

¹See Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996).


²NRS 125A.060(2).

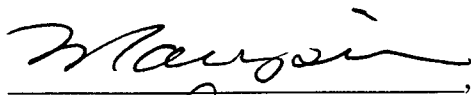
³NRS 125A.070(4).

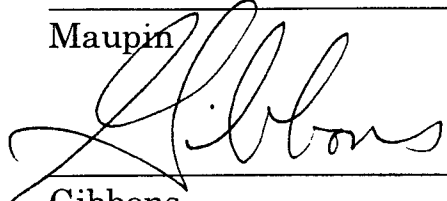
Here, the district court's communication with the Tennessee court complied with the statutory provision. The communication was procedural and not a substantive inquiry; and thus, appellant was not entitled to notice and an evidentiary hearing was not necessary.⁴

We conclude that the district court did not abuse its discretion in electing not to exercise jurisdiction and deferring resolution of this issue to the Tennessee court. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Gloria S. Sanchez, District Judge, Family Court Division
Douglas C. Crawford
Eric L. Qualls
Clark County Clerk

⁴Cf. Yost v. Johnson, 591 A.2d 178 (Del. 1991); In re Marriage of Brown, 706 P.2d 116 (Mont. 1985).