

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA L. BUTTERWORTH,
Appellant,
vs.
JAMES H. BUTTERWORTH,
Respondent.

No. 37286

FILED

FEB 04 2003

ORDER OF AFFIRMANCE

WALTER WOOD
CLERK OF SUPREME COURT
J. Richard

This is an appeal from a final divorce decree. The parties were married on April 8, 1989. They have two minor children from the marriage. Subsequently, appellant Sandra L. Butterworth filed for divorce.

Following a bench trial, the district court entered a decree of divorce, awarding the parties joint legal custody of the children and respondent James H. Butterworth primary physical custody of the children, subject to Sandra having them on the first, third, and any fifth weekend of a month.

Sandra first contends that the district court abused its discretion when it awarded James primary physical custody of their children. She alternatively contends that the district court abused its discretion in awarding her visitation.

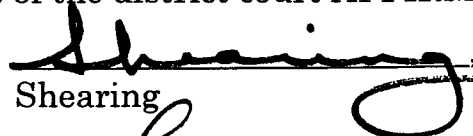
A district court enjoys broad discretionary powers in determining questions of child custody, and this court will not disturb the district court's determination absent a clear abuse of discretion.¹ Furthermore, in child custody matters, a presumption exists that the district court properly exercised its discretion in deciding what constitutes


¹See Sims v. Sims, 109 Nev. 1146, 1148, 865 P.2d 328, 330 (1993).

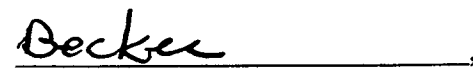
a child's best interest.² Having reviewed the record, we conclude that the district court did not abuse its discretion in awarding James primary physical custody or determining Sandra's visitation rights.

Sandra contends that the district court abused its discretion by dividing the community property unequally. A district court must make an equal disposition of the parties' community property.³ However, "the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition."⁴ Having reviewed the record, we conclude that substantial evidence supports the district court's division of community property. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Steven E. Jones, District Judge, Family Court Division
Carol A. Menninger
George R. Carter
Clark County Clerk

²Primm v. Lopes, 109 Nev. 502, 504, 853 P.2d 103, 104 (1993).

³See NRS 125.150(1)(b).

⁴Id.