

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUSAN L. GRANDGEORGE, F/K/A  
SUSAN L. MCMONIGLE,  
Appellant,  
vs.  
ROBERT M. MCMONIGLE,  
Respondent.

No. 37843

FILED

JUN 03 2003

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

Susan L. Grandgeorge appeals the district court's denial of her motion for an increase in child support and for attorney fees. Susan filed the motion after succeeding on a prior motion to relocate and defeating her ex-husband's, Robert M. McMonigle, countermotion seeking primary physical custody of their minor daughter. The district court denied Susan's motion after concluding that: (1) Robert's current child support obligation of \$1,200 per month was adequate; and (2) Susan was not entitled to attorney fees because Robert had a reasonable basis for his claims and Susan had sufficient assets to cover the cost of her own attorney fees. We conclude that the district court did not abuse its discretion when it denied Susan's motion for an increase in child support and for attorney fees. Accordingly, we affirm the order of the district court.

While Susan argues that the district court ignored Robert's immense wealth when addressing the child support award, the record demonstrates that the district court properly considered the "broad financial circumstances" of the parties, the special needs of their daughter and Robert's payment of other expenses when it determined that \$1,200 per month was an adequate child support award. These were all

appropriate considerations for the district court according to NRS 125B.080(9); and, while Susan may disagree with the amount arrived at by the district court, the district court did not disregard any evidence or ignore any statutory guidelines in making its determination.<sup>1</sup>

Additionally, Susan's attempt to demonstrate an abuse of discretion by relying upon subsequent amendments and comments to the child support statutes ignores the Legislature's intent that those changes were not to be applied retroactively.<sup>2</sup> Accordingly, the district court did not abuse its discretion by not making an adjustment for inflation, as is required under the current version of NRS 125B.070. Moreover, to the extent that Susan relies upon these subsequent amendments to shed light upon a legislative concern that judges should not slavishly adhere to the statutory formula in all cases, the district court acted appropriately and vindicated this concern by awarding an amount in excess of the amount called for by the statutory formula.

Finally, the district court acted within its discretion when it denied Susan's motion for attorney fees. NRS 125.150(3) permits the award of reasonable attorney fees in connection with a divorce proceeding, and, in Sargeant v. Sargeant, we held that a district court should make such an award when it was necessary to ensure that a spouse could "meet her adversary in the courtroom on an equal basis" and do so "without

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<sup>1</sup>See Lewis v. Hicks, 108 Nev. 1107, 1112, 843 P.2d 828, 831 (1992) (noting that, while a district court's discretion is limited by the child support statutes, a district court's discretion still plays "an important role within the confines of the statutes").


<sup>2</sup>See 2001 Nev. Stat., ch. 386, § 3, at 1868; see also Matter of Estate of Thomas, 116 Nev. 492, 495-96, 998 P.2d 560, 562 (2000).

destroying her financial position.”<sup>3</sup> Here, the record demonstrates that Susan had a sizeable net worth and, therefore, that she was able to bear the cost of her own attorney fees without jeopardizing her and her daughter’s “future subsistence” as was the danger in Sargeant.<sup>4</sup> The record also demonstrates that Susan was able to obtain effective legal representation. Therefore, the district court did not abuse its discretion when it concluded that the circumstances did not warrant an award of attorney fees. Accordingly, we


ORDER the judgment of the district court AFFIRMED.

 J.

Shearing

 J.

Leavitt

 J.

Becker

cc: Hon. T. Arthur Ritchie, District Judge,  
Family Court Division  
Marshal S. Willick  
Jones Vargas/Las Vegas  
Clark County Clerk

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<sup>3</sup>88 Nev. 223, 227, 495 P.2d 618, 621 (1972).

<sup>4</sup>Id.