

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRACEY K. AMMONS,

Appellant,

vs.

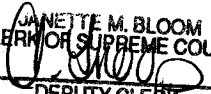
GORDON A.J. SOUZA,

Respondent.

No. 38549

FILED

DEC 13 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from district court orders concerning child custody and visitation, and an order denying appellant's motion to set aside an order concerning attorney fees.

First, appellant contends that the Nevada district court lacked jurisdiction to modify the custody arrangement of the parties' minor child. Even when a child has resided in another state for several years and the mother and several relatives reside there, we have determined that a Nevada district court may have subject matter jurisdiction over a motion to modify child custody, under the Uniform Child Custody Jurisdiction Act (UCCJA).¹ In Lewis v. District Court,² we concluded that the district court had continuing jurisdiction over child custody issues since all parties had resided in Nevada for several years before the divorce proceedings, the father continued to reside in Nevada, and the Nevada district court had entered the initial divorce decree, subsequent modification and had intimate familiarity with the child custody issues. Moreover, when two states are involved in a child custody matter, the Nevada district court may communicate with the court of the other state to determine whether Nevada is the more appropriate court to retain jurisdiction.³ Here, the Nevada district court previously entered the divorce decree, respondent has continually resided in Nevada, and the parties have brought several motions before the Nevada district court. Moreover, the Nevada district court conferred with the Georgia court, and the courts agreed that Nevada is the appropriate forum to decide the issues concerning custody of the child. Thus, the district court did not err in concluding that it retained jurisdiction over the child custody matter.

¹See N.R.S. 125A.050.

²113 Nev. 106, 930 P.2d 770 (1997).

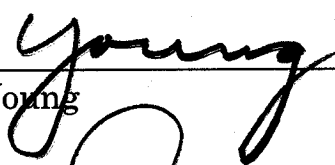
³See NRS 125A.070(4); see also NRS 125A.060.

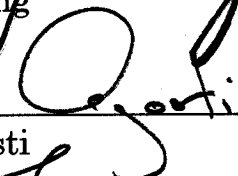
Second, appellant opposes visitation between the child and respondent. Matters of custody, including visitation, rest in the sound discretion of the district court.⁴ This court will not disturb the district court's judgment absent a clear abuse of discretion.⁵ A district court order awarding visitation must define the rights of the non-custodial parent with sufficient particularity.⁶ Here, the district court did not abuse its discretion when it set forth, with particularity, a visitation plan for respondent and the child.


Finally, on June 11, 2001, appellant moved the district court, under NRCP 60(b), to set aside its March 7, 2001 order reducing attorney fees to judgment. On August 29, 2001, the district court denied appellant's motion. This court has stated that "[m]otions under NRCP 60(b) are within the sound discretion of the district court, and this court will not disturb the district court's decision absent an abuse of discretion."⁷ NRS 18.015 provides that an attorney may move the district court for an order adjudicating an attorney's lien to collect fees. Here, the district court concluded that the attorney fees were reasonable. Accordingly, the district court did not abuse its discretion in denying appellant's motion to set aside the order concerning attorney fees.

We have reviewed the record and appellant's remaining contentions, and we conclude that the district court did not abuse its discretion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁸


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

⁴Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996).

⁵Sims v. Sims, 109 Nev. 1146, 865 P.2d 328 (1993).

⁶NRS 125C.010.

⁷Carlson v. Carlson, 108 Nev. 358, 361, 832 P.2d 380, 382 (1992).

⁸Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from her. In light of this order, we deny as moot appellant's October 10, 2001 motion to appear in proper person, and appellant's October 17, 2001 motion for a stay.

cc: Hon. William O. Voy, District Judge,
Family Court Division
Tracey K. Ammons
Gordon A.J. Souza
Clark County Clerk