

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANA N. KARL,  
Appellant,  
vs.  
MARK D. KARL,  
Respondent.

No. 38596

FILED

OCT 29 2002

ORDER OF AFFIRMANCE

JANETTE N. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is an appeal from a district court order denying appellant Jana Karl permission to relocate to Canada with the parties' minor child. On appeal, Jana contends that the district court abused its discretion when it denied her request for permission to relocate with the child.

In Hayes v. Gallacher, we stated that the "district court has broad discretionary power in determining questions of child custody, and this court will not disturb the district court's determinations absent a clear abuse of discretion."<sup>1</sup> This court will affirm the district court's decision if it is supported by substantial evidence.<sup>2</sup>

In Davis v. Davis,<sup>3</sup> we affirmed the district court's denial of a custodial parent's request for permission to relocate minor children out of the State of Nevada. In Davis, we held that the visitation plan proposed by petitioner was not adequate to preserve and foster the type of relationship the non-custodial parent had with his children, because given the children's young ages, the six hour travel time between Nevada and

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<sup>1</sup>115 Nev. 1, 4, 972 P.2d 1138, 1140 (1999).

<sup>2</sup>Id.

<sup>3</sup>114 Nev. 1461, 970 P.2d 1084 (1998).

Florida, and the cost involved in frequent and brief visits, it would be unmanageable and almost impossible.<sup>4</sup>

Similarly, we conclude the district court did not abuse its discretion in denying Jana's petition. After reviewing the record, specifically the evidence presented at the August 20, 2001 hearing concerning the distance and the financial burdens associated with Jana's proposed visitation plan, we conclude substantial evidence supports the district court's determination that the visitation plan was not adequate to preserve and foster the parent-child relationship between respondent and the child. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Maupin, C.J.  
Maupin

Young, J.  
Young

Shearing, J.  
Shearing

Agosti, J.  
Agosti

Leavitt, J.  
Leavitt

Becker, J.  
Becker

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<sup>4</sup>Id. at 1467, 970 P.2d at 1087.

cc: Hon. Steven E. Jones, District Judge, Family Court Division  
Jolley Urga Wirth & Woodbury  
Bowen Law Offices, Chtd.  
Clark County Clerk

ROSE, J., dissenting:

The district court found that Jana's desire to move was made in good faith, and I believe the visitation proposed by Jana is very similar to the visitation plan we approved in Trent v. Trent<sup>1</sup> where we stated that NRS 125A.350 "should not be used to prevent the custodial parent from freely pursuing a life outside of Nevada when reasonable alternative visitation is possible." Therefore, I would reverse the district court's order, and permit Jana to relocate in Calgary with the child.

  
\_\_\_\_\_, J.  
Rose

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<sup>1</sup>111 Nev. 309, 315, 890 P.2d 1309, 1313 (1995).