

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBIN STEVEN PECCHENINO,

No. 38660

Appellant,

FILED

vs.

DEC 13 2001

EARLEEN LOUISE EDWARDS,

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

Respondent.

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order adopting a master's recommendation concerning child support arrears.

Appellant appears to contend that the district court lacked subject matter jurisdiction over the proceedings.¹ This court has noted that "subject matter jurisdiction can be raised by the parties at any time, or sua sponte by a court of review, and cannot be conferred by the parties."² Under NRS 125B.014(1), the district court has jurisdiction in an action to enforce a child support obligation. Moreover, the district court has the authority to enforce a previous order.³ Accordingly, the district court had subject matter jurisdiction in this matter.

As to the portion of the district court's order directing appellant to pay \$200 per month on the \$5200 accrued arrears, this issue is not substantively appealable because the district court, in adopting the master's recommendation, merely determined the amount of arrears and structured a payment for the purpose of enforcing the 1999 child support order.⁴ An order merely enforcing a prior order does not affect the rights

¹Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from him.

²Swan v. Swan, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990).

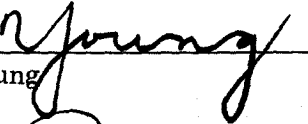
³See NRS 125.240.

⁴See NRS 125B.140 (providing that the district court has the authority to enforce orders for support); Khaldy v. Khaldy, 111 Nev. 374, 377, 892 P.2d 584, 586 (1995) (providing that once payments for child support have accrued they become vested rights and cannot be modified or voided).

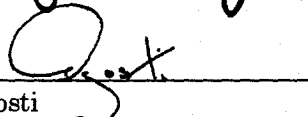
of the parties growing out of the final judgment, and is therefore not appealable as a special order after final judgment.⁵

We have reviewed the record and appellant's remaining contentions, and we conclude that the district court did not abuse its discretion.⁶ Accordingly, we

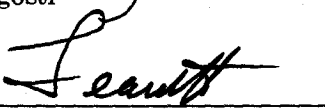
ORDER the judgment of the district court AFFIRMED.



Young J.



Agosti J.



Leavitt J.

cc: Hon. Charles M. McGee, District Judge,
Family Court Division
Washoe County District Attorney, Family Support Division
Robin Steven Pecchenino
Washoe County Clerk

⁵See Wilkinson v. Wilkinson, 73 Nev. 143, 311 P.2d 735 (1957).

⁶See Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996) (noting that matters of child support are within the discretion of the district court).