

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE O'CONNER BEARD,
Appellant,
vs.
MICHELLE BEARD,
Respondent.

No. 38895

FILED

DEC 18 2002

ORDER AFFIRMING IN PART,
REVERSING IN PART, AND REMANDING

CLERK OF SUPREME COURT
J. Richard
COURT REPORTER

This is a proper person appeal from a final divorce decree. On September 7, 2001, a final divorce decree was entered. The decree is a form order that appears to have been completed by respondent, with the district court judge making certain notations and signing the decree. The decree awards respondent sole legal and physical custody of the children. It also notes that appellant may seek visitation with the children upon his release from prison. The decree further orders appellant to pay child support in the amount of \$200 per month, which is the statutory minimum of \$100 per child per month. The decree also provides that there is no community property to adjudicate.

The district court enjoys broad discretionary powers in determining child custody issues and this court will not disturb the district court's judgment absent a clear abuse of discretion.¹ Having reviewed the record on appeal, we conclude that the district court did not abuse its discretion when it awarded respondent sole legal and physical custody of the minor children. We further conclude that the district court

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

properly exercised its discretion with respect to the obligation for child support as to the children.² Accordingly, we affirm the portion of the district court's order concerning child custody and support.

Finally, the divorce decree provides that there is no community property to adjudicate. Appellant insists that respondent possesses certain personal items belonging to appellant, and that there is outstanding community debt in the amount of \$1,500 in foster care expenses, \$3,222 in medical expenses, and \$1,500 owed to a California resident. In granting a divorce, the district court must, "to the extent practicable, make an equal disposition of the community property of the parties."³ This court will not disturb the district court's disposition of community property unless it appears from the entire record that the district court abused its discretion.⁴ Here, the district court minutes reveal that during the September 2001 hearing the district court mentioned these items and orally disposed of them, but the final decree does not include the disposition of any property. Thus, we conclude that the district court abused its discretion when it failed to dispose of the property and debt in the final divorce decree. Accordingly, we reverse the portion of the divorce decree concerning the division of community


²See Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996) (holding that child support is within the district court's discretion); NRS 125B.070; NRS 125B.080.

³NRS 125.150(1)(b).

⁴See Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 916 (1996).

property, and we remand this matter to the district court for proceedings consistent with this order.⁵

It is so ORDERED.

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. T. Arthur Ritchie, District Judge, Family Court Division
George O'Conner Beard
Michelle Beard
Clark County Clerk

⁵We note that in his November 30, 2001 notice of appeal from the final judgment, appellant challenges several interlocutory orders, as well as the denial of his motion for a new trial. Having reviewed the record, we conclude that with the exception of the portion of the divorce decree that we reverse herein, any further relief is not warranted.

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