

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE  
GUARDIANSHIP OF THE PERSON OF  
R. L. W.,

No. 39407

ROBIN N. K., A/K/A ROBIN N. W.,  
Appellant,  
vs.  
JOYCE W.,  
Respondent.

FILED

MAY 16 2002

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order appointing a guardian. The district court has broad discretionary powers to determine questions of child custody.<sup>1</sup> "This court will not disturb the [district] court's determinations absent a clear abuse of discretion."<sup>2</sup> "However, this court must be satisfied that the court's determination was made for the appropriate reasons."<sup>3</sup> Under NRS 125.500(1):

Before the court makes an order awarding custody to any person other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child.<sup>4</sup>

<sup>1</sup>See Sims v. Sims, 109 Nev. 1146, 1148, 865 P.2d 328, 330 (1993).

<sup>2</sup>Id.

<sup>3</sup>Id.; see also Culbertson v. Culbertson, 91 Nev. 230, 533 P.2d 768 (1975).

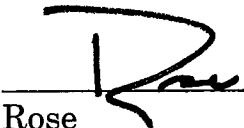
<sup>4</sup>See also Locklin v. Duka, 112 Nev. 1489, 929 P.2d 930 (1996).

Moreover, the parental preference presumption "must be overcome either by a showing that the parent is unfit or other extraordinary circumstances."<sup>5</sup>

Here, the record indicates that the district court scheduled a hearing for the guardianship and appellant failed to attend. In granting the petition for guardianship, the district court found that it was in the child's best interest for respondent to be named guardian of the child, and the court found appellant was unable to care for the child at this time. Thus, we conclude that the district court did not abuse its discretion in granting the petition for guardianship. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>6</sup>

 \_\_\_\_\_, J.  
Shearing

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

 \_\_\_\_\_, J.  
Becker

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<sup>5</sup>Litz v. Bennum, 111 Nev. 35, 38, 888 P.2d 438, 440 (1995).

<sup>6</sup>We note that appellant has failed to pay the filing fee required by NRS 2.250(1)(a). See NRAP 3(f). Although appellant's failure to pay the filing fee constitutes an independent basis for dismissal, we have nonetheless considered the merits of this appeal.

cc: Hon. Scott Jordan, District Judge, Family Court Division  
Robin N. K.  
Joyce W.  
Washoe District Court Clerk