

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ANDRE BAZILE,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF HUMAN
RESOURCES, WELFARE DIVISION;
AND ANGE MANIS,
Respondents.

No. 39454

FILED

JAN 16 2003

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order concerning deductions from appellant's prison account for child support.

In September 2001, a master recommended that appellant reimburse respondent State of Nevada for public assistance provided to support appellant's minor child in the amount of \$1,213, to be paid at a rate of \$10 per month. The master further recommended that appellant pay \$100 per month, the statutory minimum, in future child support.¹

Appellant timely filed in the district court an objection to the master's recommendation. Appellant did not challenge the portion of the master's recommendation that concerns the reimbursement of support and the child support obligation. Rather, appellant contended that his only source of money is from his family, and that money should not be subject to satisfy the child support obligation. The State opposed the objection. On January 2, 2002, the district court approved and adopted the master's recommendation. Thereafter, appellant moved the district court to clarify the order. Appellant asked the district court to specify the amount of

¹NRS 125B.080(4).

money from his prison account subject to both child support obligations. Appellant requested that only ten percent be deducted for child support. The State opposed the motion and insisted that sixty percent of appellant's prison account should be subject to the support order.

On February 19, 2002, the district court entered a written order that concluded that up to sixty percent of appellant's total monthly income from any source was subject to garnishment to meet his child support obligations. Appellant timely filed this appeal.

A parent has a duty to provide support for his child.² A master may recommend that the district court order income withheld to satisfy a child support obligation.³ After the district court approves and adopts a master's recommendation concerning child support, the support order may be enforced by any remedy provided by law.⁴ The calculation of the amount to be withheld must be made in accordance with NRS 31.295.⁵ Under NRS 31.295(4)(b), garnishment to enforce an order for support may not exceed sixty percent if the garnishee is not supporting another family. Moreover, a prison director may deduct from any money deposited in the individual account of an offender from any source, other than wages, "[a]n amount the director considers reasonable to meet an existing obligation of the offender for the support of his family."⁶ Thus, we conclude that the district court did not err when it concluded that up to sixty percent of

²NRS 425.350(1); see also NRS 125B.020(1).

³NRS 425.382(2)(b)(5).


⁴See NRS 425.350(5); NRS 425.3836(5); NRS 425.3846.


⁵NRS 31A.030.


⁶NRS 209.247(2).

appellant's total monthly income from any source was subject to garnishment to meet his child support obligation. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Scott Jordan, District Judge, Family Court Division
Washoe County District Attorney
John Andre Bazile
Washoe District Court Clerk