IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY P. HYMAS,
Appellant,
vs.
TIFFANY J. REYNOLDS,
Respondent.

No. 39892

FILED

NOV 12 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order modifying the child support obligation.

The parties were divorced in Utah in 1996. Appellant was ordered to pay child support for the two minor children in the amount of $608 per month. After the divorce was entered, appellant moved to Nevada. In 1997, respondent and the children moved to Idaho. Subsequently, respondent moved the Nevada district court to enforce the Utah order.

On May 16, 2002, a hearing was conducted before a Nevada domestic master. After receiving notice of the hearing, appellant was not present. The master concluded that appellant's gross monthly income was approximately $5,163 per month. Applying the statutory formula set forth in NRS 125B.070(1)(b), the master determined that child support for two children at twenty-five percent of appellant's gross monthly income was $1,291. At the time, the child support obligation under NRS 125B.070 was subject to a cap of $500 per month per child.[1] Accordingly, the master recommended that appellant's child support obligation be set at $500 per

[1]In July 2002, NRS 125B.070 was amended to adjust the maximum amount for child support based on the Consumer Index Report.

month per child. Moreover, the master recommended that the modified child support obligation was to begin September 2001. The master also determined that appellant's arrears totaled $8,353. The master recommended that appellant pay $100 per month toward arrears. The master further recommended that the arrears be reduced to judgment. The district court adopted the master's recommendation and findings. Appellant timely filed this appeal.

Under NRS 130.301(2)(b) and (e), the Nevada district court has the authority to enforce a child support order from another state and to modify the order.[2] Here, appellant's income had increased since the 1996 Utah order was entered. The amount the master recommended for child support is supported by the statutory formula. Thus, we conclude that the district court did not abuse its discretion when it adopted the master's recommendation regarding modification of the child support obligation.

As to the portion of the district court's order directing appellant to pay $100 per month on the accrued arrears, this issue is not substantively appealable to the extent that the district court is enforcing the support obligation owed under the Utah order.[3] Here, the district court merely determined the amount of arrears and structured a payment

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[2]See also NRS 130.609-.614 (registration and modification of child support order).

[3]See 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).

schedule for the purpose of enforcing the Utah order. To the extent that the arrears pertain to the modified child support obligation dating back to September 2001, we conclude that the district court did not abuse its discretion.[4]

We have reviewed the record and conclude that the district court did not abuse its discretion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Maupin

_____, J.
Rose

_____, J.
Agosti

cc: Hon. Steven E. Jones, District Judge, Family Court Division
Clark County District Attorney
Jay P. Hymas
Clark County Clerk

[4]See 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).