

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF D.R.G., A MINOR
CHILD.

No. 41836

FILED

OCT 05 2004

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

DWIGHT R. G.,
Appellant,
vs.
CONNIE E. P.,
Respondent.

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion to modify a child custody arrangement and terminate a guardianship. Eighth Judicial District Court, Family Court Division, Clark County; Gerald W. Hardcastle, Judge.


Dwight G. appeals from a district court order denying his motion for custody of his son D.R.G. Following an evidentiary hearing, the district court concluded that based on D.R.G.'s special needs, it was in his best interest to remain living with his maternal aunt, Connie P. The district court had previously appointed Connie as D.R.G.'s guardian following his mother's death, and on appeal this court affirmed the district court's judgment. In the instant matter, the district court was not convinced that Dwight had addressed all of this court's concerns regarding his readiness to be D.R.G.'s full-time caregiver. We agree.

The district court has broad discretion in determining questions of child custody, and we will not disturb the district court's determination unless there has been a clear abuse of discretion.¹

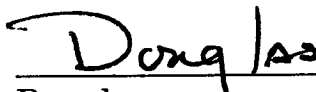
After a review of the record, we conclude that the district court did not abuse its discretion in denying Dwight's motion for custody. Although Dwight has made improvements from the last hearing, we agree with the district court's determination that he is still not a qualified and suitable parent for D.R.G., given D.R.G.'s medical condition and special needs.² D.R.G. requires a conscientious and committed caregiver who fully understands his condition and limitations. Connie is clearly such a caregiver, while Dwight has not shown that he can presently provide D.R.G. with equally adequate care.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

¹Matter of Guardianship & Estate of D.R.G., 119 Nev. 32, 37, 62 P.3d 1127, 1130 (2003).

²Id. (noting that one of the factors in determining a parent's suitability is "whether the parent can provide for the basic needs of the child, including medical care").

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Mark A. Jenkin
Gifford, Vernon & Barker
Clark County Clerk