

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRELL REID,
Appellant,
vs.
RHONDA GAINES,
Respondent.

No. 46194

FILED

OCT 18 2006

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

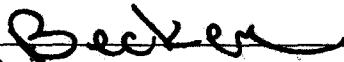
ORDER OF AFFIRMANCE

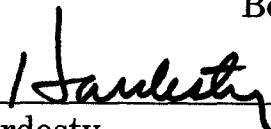
This is a proper person appeal from a district court order concerning child custody. Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.¹

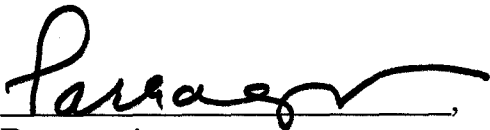
¹We admonish the district court judge for requiring, during the February 1, 2005 hearing, that appellant turn over, in open court, all cash he possessed to satisfy a portion of his child support obligation for the month of January 2005. At that time, the district court had not made any findings regarding whether appellant was in arrears. The record shows that an order was entered on August 3, 2005, that memorialized the district court's instructions that appellant empty his pockets and wallet, and that \$150 found in his possession be applied toward his child support arrears. While the district court has the authority to enforce a prior order under NRS 125B.140, the court may not make an arrears determination without first complying with the notice and procedural requirements set forth under NRS 145B.140(2).

The district court has broad discretionary power in determining questions of child custody and visitation, and this court will not disturb the district court's determination absent a clear abuse of discretion.² We have reviewed the record, transcripts, video recording and appellant's proper person civil appeal statement, and we conclude that the district court did not abuse its discretion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


Becker, J.


Hardesty, J.


Parraguirre, J.

²See Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996); see also NRS 125B.085 (mandating that the district court specifically include in its order whether the parent responsible for child support must provide coverage for the child's health care needs).

³Appellant asks this court to reassign the underlying case to another district court judge. A party who seeks to disqualify a judge for bias or prejudice must file an affidavit specifying the basis for disqualification not less than twenty days before the date set for trial or hearing of the case, or not less than three days before the date set for a pretrial hearing. See NRS 1.235(1); see also Towbin Dodge, LLC v. Dist. Ct., 121 Nev. 251, 112 P.3d 1063 (2005) (recognizing that if new grounds for a judge's disqualification are discovered after the time limits have run under NRS 1.235(1), a party may file a motion to disqualify a judge under the Nevada Code of Judicial Conduct). Judge Moss has presided over the proceedings for approximately two years, and we decline appellant's request.

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Darrell Reid
Graves & Leavitt
Clark County Clerk