

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAMIN ZABETI,
Appellant,
vs.
SHANELL N. SANCHEZ,
Respondent.

No. 61654

FILED

DEC 17 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a motion to assume jurisdiction over a child custody matter from Colorado and to modify custody. Eighth Judicial District Court, Family Court Division, Clark County; Charles J. Hoskin, Judge.

In denying appellant's motion, the district court determined that a Colorado court had exclusive, continuing jurisdiction to decide custody under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). The district court further found that appellant did not establish a basis for the court to take temporary emergency jurisdiction under NRS 125A.335. On appeal, appellant contends that the Colorado court's initial exercise of jurisdiction on a temporary, emergency basis in 2010 was not sufficient to confer exclusive, continuing jurisdiction under the UCCJEA.

Having reviewed the record, we conclude that appellant's contention is without merit. Subject matter jurisdiction in an interstate custody dispute is a question of law subject to de novo review. *Ogawa v. Ogawa*, 125 Nev. 660, 667-68, 221 P.3d 699, 704 (2009). Under NRS 125A.325(1), a Nevada district court may not modify another state's custody order unless the Nevada court had jurisdiction to make an initial custody determination and the other state court determines either that it

no longer has exclusive, continuing jurisdiction or that the Nevada court is a more convenient forum. Here, the Colorado court has exercised jurisdiction over the parties' custody dispute since 2010. At the Nevada court hearing to determine initial custody jurisdiction in 2010, appellant conceded that Colorado was the child's home state. See NRS 125A.305(1)(a). Appellant has not alleged that the Colorado court has made any determination that it no longer has jurisdiction or that Nevada would be a more convenient forum. See NRS 125A.325(1). Thus, the district court properly determined that it was without jurisdiction to modify custody. *Id.* Additionally, appellant did not establish a basis for the district court to take temporary emergency jurisdiction under NRS 125A.335(1), such as child abandonment or that the child needed emergency protection from abuse. Accordingly, we conclude that the district court did not err in denying appellant's motion to assume jurisdiction and to modify custody, and we

ORDER the judgment of the district court AFFIRMED.¹

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cherry, J.
Cherry

¹In light of this order, we deny as moot appellant's motion for a stay. We also deny appellant's request for consideration of foreign transcripts, as we will not consider materials not properly appearing in the district court record. *Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981).

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division
Ramin Zabeti
Shanell N. Sanchez
Eighth District Court Clerk