IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEANIE MARIE CONRAD,
Appellant,
vs.
THE STATE OF NEVADA, DIVISION OF WELFARE AND SUPPORTIVE SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND DAVID ROSS BLACK,
Respondents.

No. 66259

ORDER OF AFFIRMANCE

This is an appeal from a district court order affirming in part a master's recommendation and reducing child support arrears to judgment. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

Respondent David Ross Black initially obtained a child support order against appellant Jeanie Marie Conrad in California for the support of their three children. In 2005, Black registered the California support order in Nevada, where several orders were issued over the next few years. In 2011, shortly after Black sought a calculation of the child support arrears Conrad owed him, Conrad initiated a separate action against Black for child support for their youngest child, who had moved in with Conrad. Following a hearing in Conrad's case, the master concluded Black should pay $630 per month, but that his monthly payments would be made by deducting the $630 from the $41,160.26 in child support arrearages the court had determined Conrad owed Black in Black's case. The master also recommended that the cases be reviewed in March 2014, when all the parties' children had emancipated. No party objected to the

recommendations, and the district court adopted them in whole in two separate orders from which no appeals were taken. These orders were issued a day apart, and after their issuance, the district court judge, who was assigned to both of the parties' cases, consolidated the two cases.

In 2014, after the parties' children emancipated, another hearing was held before a master regarding the total amount of arrears owed by both parties. The master concluded Conrad owed Black $41,160.26 in arrears and $4,141.84 in interest, and recommended that Conrad pay Black $500 per month until the arrears were satisfied. Conrad objected to the amount of arrears, arguing that the monthly child support she was ordered to pay in 2001 was excessive due to her limited income at that time, and that the arrears should be reduced accordingly. Ultimately, the district court entered an order which reduced the amount Conrad owed to $27,300.26 in arrears and $3,503.21 in interest, entered judgment on these amounts, and affirmed the $500 monthly repayment amount. This appeal followed.

On appeal, Conrad first argues the monthly child support obligation she was ordered to pay in 2001 was excessive in relation to her income at that time. Because those payments have already accrued, however, this court cannot modify or void those arrearages.[1] *See Day v. Day*, 82 Nev. 317, 320-21, 417 P.2d 914, 916 (1966) ("Payments once accrued for either alimony or support of children become vested rights and cannot thereafter be modified or voided.").

Conrad next argues $500 is an excessive monthly payment because it would not leave her enough money to live on each month. She

[1]Conrad does not assert, nor does it appear from the record, that she ever appealed the 2001 California order setting her child support obligation.

also asserts the district court should not have awarded interest on the arrears because a previous order did not award interest due to hardship. Conrad, however, failed to raise these arguments in her objections to the hearing master's recommendations.[2] And to the extent that she may have raised these arguments at the district court hearing regarding her objections, Conrad has not requested that a transcript of the hearing be prepared and the transcript does not otherwise appear in the record on appeal. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) ("When an appellant fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court's decision."). Under these circumstances, we are compelled to determine that Conrad has waived any challenges to the $500 monthly payment and the award of interest. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (recognizing that a point not urged in the trial court is deemed waived and will not be considered on appeal).[3]

Based on the foregoing analysis, we conclude the district court did not abuse its discretion in reducing Conrad's child support arrears and

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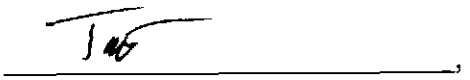
[2]In its answering brief, the State of Nevada asserts Conrad objected to the monthly payment amount and the inclusion of interest following the hearing master's recommendations, but that assertion is not supported by the record on appeal.

[3]In her appeal statement, Conrad argues she should not owe support for any time periods when she was denied contact with her children and that the district court did not credit her for amounts Black allegedly failed to pay when the youngest child was living with Conrad. Because Conrad has not provided a copy of the hearing transcript and these arguments were not raised in her objection below, we do not consider them on appeal. *See Cuzze*, 123 Nev. at 603, 172 P.3d at 135; *Old Aztec Mine*, 97 Nev. at 52, 623 P.2d at 983.

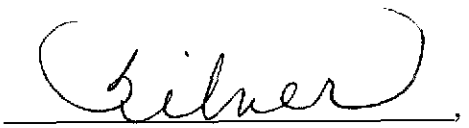
the interest accrued on those arrears to judgment. *See Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (stating that child support orders are reviewed for an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.[4]

_____, C.J.
Gibbons



_____, J.
Tao



_____, J.
Silver

cc: Hon. Leon Aberasturi, District Judge
Jeanie Marie Conrad
David Ross Black
Lyon County District Attorney
Third District Court Clerk

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[4]In its answering brief, the State of Nevada asserts Conrad's notice of appeal was untimely. Our review of the record demonstrates that although Conrad was served with a notice of entry of order, that notice did not include a copy of the district court's order as required by NRCP 58(e). Thus, the notice of entry of order was improper, and the time for Conrad to appeal had not passed. *See* NRAP 4(a)(1) (providing that a notice of appeal must be filed "no later than 30 days after the date that written notice of entry of the judgment or order appealed from is served").

Additionally, in light of the ultimate conclusion in this case, we decline any relief requested in Black's March 16, 2015, motion for clarification.