

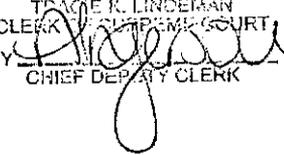
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HOLLY LYNN KING N/K/A HOLLY
GARCIA,
Appellant,
vs.
MARK A. KING,
Respondent.

No. 68553

FILED

DEC 16 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order modifying child custody and support and determining that no child support arrearages were owed. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

The district court entered an order granting respondent primary physical custody of the parties' children. Consistent with the new custody arrangement, the district court ordered that appellant would owe child support to respondent equaling 25 percent of her gross monthly income. See NRS 125B.070. Because appellant was to be responsible for all of the children's travel expenses, however, the court concluded that a downward deviation reducing appellant's monthly child support to zero was appropriate. See NRS 125B.080(9)(i) (providing that the cost of transportation for visitation may be considered in determining whether a deviation from the statutory child support formula is warranted). This appeal followed.

On appeal, appellant does not challenge the district court's decision with regard to custody, but instead, contends that the district court improperly changed the existing child support order and dismissed

any arrearages owed by respondent. To the extent appellant asserts that child support was improperly modified, this argument lacks merit. In particular, it was appropriate for the district court to modify the child support order to be consistent with the new custody arrangement. See *Bluestein v. Bluestein*, 131 Nev. ___, ___ n.1, 345 P.3d 1044, 1046 n.1 (2015) (“The physical custody arrangement governs the child support award. . . . When one parent has primary physical custody, the noncustodial parent must pay child support based on the statutory formulas.”).

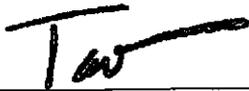
As to appellant’s argument that the district court improperly dismissed any child support arrearages owed by respondent, the district court’s statement in its order that no arrears were due by either party is somewhat curious, as no motions regarding arrearages appear in the district court record. Nevertheless, according to appellant’s own arguments, the district court’s order in this regard was based on evidence that was presented at the hearing before the district court. And while appellant contends that this evidence was falsified, she did not provide this court with a transcript of the district court hearing. As a result, we must presume that the evidence presented at the hearing supported the district court’s decision on this matter. 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.”).

Additionally, while appellant generally challenges the district court’s order and asserts that it was based on falsified information, she has not made any cogent argument as to how the district court’s order was

improper. For instance, appellant contends that documents submitted to the district court were falsified, but she does not specify what documents she is referring to, explain how they were falsified, or identify any evidence she presented to the district court showing that the documents were false. Similarly, she asserts that the district court rushed the hearing, but she does not point to any evidence indicating that she was unable to present her case or otherwise explain how the district court's concerns about time prevented her from presenting evidence or otherwise affected the district court's decision. In the absence of the transcript and any cogent argument on this point, we decline to consider this issue further. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that points not cogently argued need not be considered on appeal). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Nathan Tod Young, District Judge
Holly Lynn King
Mark A. King
Douglas County Clerk