

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF: Y.U.G., A
PROTECTED MINOR.

No. 87635-COA

FILED

APR 19 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Y.U.G., A PROTECTED MINOR;
LADESHA SHARITA LAVONNE G.;
SWAY DUMES; AND DARON G.,
Appellants.

ORDER OF REVERSAL AND REMAND

Y.U.G., a minor child, appeals from a district court order denying a petition for the appointment of a guardian. Eighth Judicial District Court, Family Division, Clark County; Linda Marquis, Judge.

Y.U.G. was born in Las Vegas in June 2022 to Daron G. and Sway Dumes.¹ When Y.U.G. was approximately ten months old, Daron and Sway determined that they were unable to care for him due to their unstable housing situation, so they entrusted Y.U.G. to Ladesha G., Y.U.G.'s paternal aunt, who resides in Compton, California. In April 2023, Ladesha took Y.U.G. to California to live with her, while Daron and Sway remained in Las Vegas. Approximately three months later, in July 2023, Ladesha returned with Y.U.G. to Las Vegas to obtain his birth certificate and social security card. While in Las Vegas, Ladesha filed a petition for guardianship, with Daron's and Sway's consent, seeking to be appointed as Y.U.G.'s guardian. After filing the petition, Ladesha returned with Y.U.G. to California.

A hearing on the petition was held in October. At the hearing, the district court stated that it was concerned with jurisdiction because Y.U.G. had been living in California after the petition was filed. The court

¹We recount the facts only as necessary for our disposition.

subsequently issued its written decision denying the petition for a lack of jurisdiction, finding that “California is the home state.”

Y.U.G. appealed, joined by Daron, Sway, and Ladesha. On appeal, Y.U.G. argues that the district court erred in finding that Nevada lacked jurisdiction over the proceeding. Specifically, he argues that Nevada had jurisdiction over the guardianship matter pursuant to NRS 125A.305(1)(a) because Nevada had been Y.U.G.’s home state within six months before the commencement of the guardianship matter and, even though Y.U.G. had moved to California, his parents continued to reside in Nevada. We agree.

“Subject matter jurisdiction is a question of law subject to de novo review.” *Ogawa v. Ogawa*, 125 Nev. 660, 667, 221 P.3d 699, 704 (2009). “Subject matter jurisdiction over child custody issues is governed by the [Uniform Child Custody Jurisdiction and Enforcement Act],” codified in NRS 125A.005–.605. *Id.* at 668, 221 P.3d at 704; *see also* NRS 125A.055 (defining “child custody proceeding” as including a proceeding for guardianship). “[W]hen the language of a statute is plain and unambiguous, such that it is capable of only one meaning, this court should not construe that statute otherwise.” *In re P.S.*, 131 Nev. 955, 956, 364 P.3d 1271, 1271 (2015) (quoting *MGM Mirage v. Nev. Ins. Guar. Ass’n*, 125 Nev. 223, 228-29, 209 P.3d 766, 769 (2009)).


Pursuant to NRS 125A.305(1)(a), the district court had jurisdiction over Ladesha’s guardianship petition if Nevada “was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent continues to live in this State.” A minor’s “home state” is defined as “[t]he state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months, including any temporary

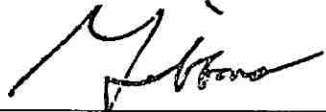
absence from the state, immediately before the commencement of a child custody proceeding.” NRS 125A.085(1). “Commencement” is defined as “the filing of the first pleading in a proceeding.” NRS 125A.065.


Here, Y.U.G. lived in Nevada for more than ten months—from his birth in June 2022 until he relocated to California with Ladesha in April 2023. Thus, Nevada was Y.U.G.’s home state in April 2023, because he had lived in this state with a parent for more than six consecutive months. See NRS 125A.085. Ladesha filed the guardianship petition in July 2023, approximately three months after Y.U.G. moved to California. Therefore, Nevada was Y.U.G.’s home state within six months of Ladesha commencing the guardianship proceedings. See NRS 125A.305(1)(a). Finally, at the time Ladesha filed the guardianship petition, Y.U.G. was absent from Nevada, but his parents remained in Las Vegas. *Id.* Therefore, the district court had jurisdiction over the guardianship proceedings under 125A.305(1)(a). As a result, the court erred when it denied Y.U.G.’s petition for lack of jurisdiction.²

Accordingly, we

ORDER the judgment of the district court REVERSED and REMANDED for proceedings consistent with this order.


_____, J.
Bulla


_____, C.J.
Gibbons


_____, J.
Westbrook

²In light of our disposition, we need not reach the other issues raised by Y.U.G. on appeal. See *Miller v. Burk*, 124 Nev. 579, 588-89 & n. 26, 188 P.3d 1112, 1118-19 & n.26 (2008) (explaining that this court need not address issues that are unnecessary to resolve the case at bar).

cc: Hon. Linda Marquis, District Judge, Family Division
Legal Aid Center of Southern Nevada, Inc.
Ladesha Sharita Lavonne G.
Daron G.
Sway Dumes
Eighth District Court Clerk