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Blount v. Blount, 138 Nev. Adv. Op. 52 (Jul. 07, 2022)

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Blount v. Blount, 138 Nev. Adv. Op. 52 (Jul. 07, 2022)[1]

CHILD CUSTODY: NEVADA WILL STRICTLY ENFORCE THE UCCJEA'S STATUTORY TWENTY-DAY WINDOW TO CHALLENGE AN IN-STATE REGISTRATION OF A CHILD CUSTODY DECREE FROM ANOTHER JURISDICTION.

Summary

The court ruled that the statutory language found in NRS 125A.465, Nevada's codification of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), is unambiguous and that its plain meaning applies as written. The court specifically addressed the timeline in which parties with existing custody or visitation rights can challenge new registrations of custody orders seeking to amend or alter existing orders. Appellants attempted to block the Nevada registration of an updated child custody determination ordered by a neighboring Tribal Court, by filing a challenge to the registration twenty-four days after receiving notice, four days after the allowable time requirement. The district court confirmed the registration by concluding that the neighboring jurisdiction had exclusive authority to amend the child custody determination.

On appeal, the Nevada Supreme Court affirmed the confirmation of the registration after holding that the language in NRS 125A.465, requiring challenges to be made within twenty days of notice, was unambiguous and would be applied as written. Therefore, the statutory twenty-day challenge window was intended to be strictly enforced, the appellants untimely challenge mandated a confirmation of the order as a matter of law[2], and once confirmed by the district court, any further arguments which could have been brought during the twenty-day window were precluded from appellate challenge.[3]

Background

Appellant Justin Blount is the father of the two minor children whose custody was at issue in the case. When Justin Blount and the children's mother, a member of the Hualapai Tribe, initiated divorce proceedings, the Tribal Court of the Hualapai Tribe awarded temporary custody of the children to their mother. When the children's mother unexpectedly passed away, the Tribal Court restored full custody of the children to Justin Blount. Justin Blount then moved the children to Nevada to live with him and his new wife, co-appellant, Stephanie Blount.

In 2019, a Nevada district court entered a decree of adoption that declared Justin and Stephanie Blount to be the legal parents of the two children. Respondent Paula Blount, the children's paternal grandmother, petitioned the Nevada district court for grandparent visitation

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[2] NEV. REV. STAT. 125A.465 (7).
[3] *See* NEV. REV. STAT. 125A.465 (8).

rights. The Nevada district court rejected the petition for grandparent visitation and the Nevada Supreme Court affirmed on the basis that, in contrast to Nevada's jurisdiction in adoption proceedings, the Tribal Court of the Hualapai Tribe retained original jurisdiction for custody and visitation proceedings in accordance with Nevada's codification of the UCCJEA.[4]

In response that ruling, Paula Blount petitioned the Tribal Court for grandparent visitation. Despite petitioning solely for grandparent visitation rights, the Tribal Court, for an unknown reason, entered an order granting Paula Blount joint custody of the children to be shared with Justin Blount.

With the new custody order in hand, and in accordance with statute, Paula Blount sent notice to Justin Blount that she sought to register the Tribal Court's custody order in Nevada. On April 6, 2020, Justin Blount's attorney accepted service on his behalf. Justin Blount filed a challenge to the registration on April 30, 2020, twenty-four days after receiving service.

After the completion of the hearing, the district court in Nevada, relying primarily on the Order of Affirmance from *In re Visitation of J.C.B.* and the UCCJEA, concluded that the Tribal Court retained exclusive jurisdictional authority on visitation and custody matters and confirmed the registration of the Tribal Court's custody order. The district court provided no analysis of Justin or Stephanie Blount's arguments in the challenge and stated that the arguments could be addressed on appeal.

Discussion

Nevada has adopted the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and codified it into Nevada law at NRS Chapter 125A.[5] Section 125A.465 is the portion of the act that governs child custody determination registrations.[6]

On appeal, respondent Paula Blount argued for a plain meaning interpretation of NRS 125A.465. She asserted that because Justin and Stephanie Blount's challenges to the registration of the custody order were made after the close of the twenty-day window described in NRS 125A.465 (5) and (6), then the Nevada district court was required to confirm the registration as a matter of latter in accordance with NRS 125A.465 (7). Justin and Stephanie Blount argued that the Tribal Court's custody order should not be registered for several reasons but did not directly address how their tardy challenges should survive the twenty-day window as required by the statutory language.

Prior to considering Justin and Stephanie Blount's arguments on appeal, the court analyzed the language in NRS 125A.465 to address whether the arguments could even survive the untimely challenge. The court determined that the plain meaning would be applied because the language was unambiguous and not susceptible to multiple interpretations.[7] The court also

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[4] *See* In Re Visitation of J.C.B., No. 76831, 2019 WL 4447341, at *3 (Nev., Sept. 16, 2019) (Order of Affirmance).
[5] NEV. REV. STAT. 125A.
[6] NEV. REV. STAT. 125A.465.
[7] *See* Washoe Med. Ctr. v. Second Judicial Dist. Court, 122 Nev. 1298, 1302, 148 P.3d 790, 792–93 (2006).

discovered evidence that the drafters of the UCCJEA intended for registrations of custody orders from foreign courts to be a straightforward "simple registration procedure that can be used to predetermine the enforceability of a custody determination."[8] Finally, the court noted that of the few jurisdictions which have directly addressed the twenty-day challenge window of the UCCJEA, all have applied it strictly.

According to the court's plain meaning interpretation of the statute, because neither Justin nor Stephanie Blount filed challenges to the registration within twenty days of notice, the custody order from the Tribal Court was confirmed as a matter of law pursuant to NRS 125A.465 (7). Further, pursuant to NRS 125A.465 (8), once the registration had been confirmed, any challenges to confirmation that "could have been asserted at the time of registration" are precluded. Therefore, Justin and Stephanie Blount's arguments on appeal could have been asserted at the time of registration and are thus precluded from consideration.

The court noted examples of cases in other jurisdictions which survived similar twenty-day windows for anecdotal value; however, because none of the cited issues were applicable in the instant case, no official opinions were stated. In one example, a post twenty-day challenge was permitted when the notice of intent to register did not contain the required information.[9] In another case, a court provided an avenue to challenge outside statutory mandated timeframes when the challenge complied with specific court rules regarding challenges to default judgments or relief from judgments and orders.[10]

Conclusion

The statutory language of NRS 125A.465 is unambiguous and will be applied as written. Because appellants Justin and Stephanie Blount filed challenges to the registration of a foreign court custody order after the closing of the twenty-day window, the registration was confirmed as a matter of law, and "[c]onfirmation of a registered order . . . precludes further contest of the order with respect to any matter that could have been asserted at the time of registration."[11]

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[8] UCCJEA § 305 cmt., 9 pt. IA U.L.A. 550 (2019).
[9] Washington v. Thompson, 6 S.W.3d 82, 86–88 (Ark. 1999).
[10] Largent v. Largent, 192 P.3d 130, 134–35 (Wyo. 2008).
[11] NEV. REV. STAT. 125A.465 (8).