Blount v. Blount, 512 P.3d 1254 (Nev. 2022)

- **Holding:** Failure to challenge a tribal joint custody order within 20 days of its request for registration under the Uniform Child Custody Jurisdiction and Enforcement Act as adopted by Nevada barred a challenge based upon claims that the tribal court lacked jurisdiction and failed to give proper notice of its custody hearing.
- **Summary:** The father (Justin) of two children was granted custody by the Hualapai Tribe's court following the tribal-member mother's death. The children thereafter resided with the father in Nevada along with a woman (Stephanie) whom he later married. A state court granted a decree of adoption to the couple in July 2019. However, the maternal grandmother (Paula) thereafter obtained from the tribal court visitation rights and, after the father and his counsel failed to respond to hearing notices, entered an order granting joint custody the grandmother and the father in January 2020. The grandmother then sought registration of the tribal court order in Nevada district court pursuant to Nev. Rev. Stat. § 125A.465(1), which codified the UCCJEA, and provides for enforcement of child custody determinations by other states subject to certain requirements. If satisfied, the recipient of the request's file has 20 days to contest the registration's propriety. The statute applies to tribal court orders. *Id.* § 125A.215(2). Neither the father nor his spouse filed a timely opposition, and the district court therefore registered the tribal court order. They appealed, arguing principally "that the Tribal Court lacked UCCJEA jurisdiction to enter the custody order, that there was a superseding custody order, and that the Tribal Court failed to give proper notice of the custody hearing to Justin and Stephanie."

  The supreme court affirmed. In its view, "[t]he statute's plain language in conjunction with the clear evidence of the drafters' intent requires us to apply the statute as written." The "drafter's intent" was taken from the UCCJEA's "comment to the registration provision shows that the drafters intended for registration of foreign custody orders to be a straightforward process, stating that the rule 'authorizes a simple registration procedure that can be used to predetermine the enforceability of a custody determination'" and its cross-reference to "a similar provision for registering foreign support orders under the Uniform Interstate Family Support Act (UIFSA), stating that the UCCJEA registration procedure 'parallels' that of the UIFSA." Commentary to the latter statute provides "that the '[t]he rationale for this relatively short period was that the matter had already been litigated, and the obligor had already had the requisite "day in court."'" The court reviewed other decisional authority under the UCCJEA and UIFSA and concluded that courts appear to have applied it "strictly."
- **Relevant (2022) Deskbook Section:** 6:13 nn.29, 31