

1 CASE NO. CV 21,682-1

2 DEPT. NO. II

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JAMI RAE SPERO
DIST. COURT CLERK

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6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF HUMBOLDT

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9 NORA ALANIZ,

10 Obligee,

ORDER REGARDING MEDIA REQUEST

11 vs.

12 KRISTOPHER DANIEL,

13 Obligor.

14 FINDINGS OF FACT

15 Glen Baker and Alexander M. Falconi of Our Nevada Judges filed a document
16 entitled "Media Request" on October 4, 2019. Pursuant to Nevada Supreme Court Rule
17 (S.C.R.) 230(1), the Humboldt County Clerk provided notice of the media request to counsel
18 of record on October 7, 2019.

19 On October 9, 2019, the State of Nevada filed *State of Nevada's Objection to Media*
20 *Request*. Our Nevada Judges filed its *Reply to State of Nevada's Objection to Media Request*
21 on October 11, 2019. Obligee, Nora Alaniz, filed her *Objection to Media Request* on October
22 15, 2019. Finally, on October 29, 2019, Our Nevada Judges filed its *Reply to Plaintiff's*
23 *Objection to Media Request*. Obligor, Kristopher Daniel, did not file an objection regarding
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1 Our Nevada Judges' request. This matter is scheduled to come before the Court's Master for
2 a Modification Hearing regarding child support obligations on November 20, 2019.

3 On December 6, 2018, in case number CV 21,682, this Court entered the *Findings of*
4 *Fact, Conclusions of Law, and Decree of Divorce* that incorporated a Marital Settlement
5 Agreement between the above named Parties. Therein, the Parties agreed that Obligor would
6 pay Obligee child support each month for the two minor children involved in this matter.

7 On August 19, 2019, in this matter, the State of Nevada filed *Notice and Finding of*
8 *Financial Responsibility to Enforce or Adjust an Existing Order, Establish an Obligation or*
9 *Determine Paternity*. The State indicated that its intent was to "enforce and modify" the
10 child support obligation in this Court's December 6, 2018, *Findings of Fact, Conclusions of*
11 *Law, and Decree of Divorce* within case number CV 21,682-1.

12 **CONCLUSIONS OF LAW**

13 News reporters who wish to provide electronic coverage of a proceeding must request
14 permission from the court. S.C.R. 230(1). There is a "presumption that all courtroom
15 proceedings that are open to the public are subject to electronic coverage." S.C.R. 230(1).
16 Further, in "any action for divorce, the court shall, upon demand of either party, direct that
17 the trial *and issue or issues of fact joined therein* be private." NEV. REV. STAT. § 125.080(1)
18 (emphasis added). Should a party demand privacy pursuant to NRS 125.080(1), all persons
19 must be excluded from the court—except for officers of the Court, the parties, counsel for
20 the parties, witnesses for the parties, parents or guardians of the parties, and siblings of the
21 parties. NEV. REV. STAT. § 125.080(2).

22 Our Nevada Judges argues that NRS 125.080 does not apply to this matter because
23 this is not a divorce proceeding. However, the plain language of NRS 125.080(1) indicates
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1 that not only are trials in actions for divorce private, so too are “issues of fact joined therein.”
2 NEV. REV. STAT. § 125.080(1). As Our Nevada Judges points out, this is a “child support
3 enforcement” proceeding. The State of Nevada initiated this proceeding to “enforce or
4 modify” this Court’s *Findings of Fact, Conclusions of Law, and Decree of Divorce* issued
5 by this Court in companion case CV 21,682.

6 NRS 125.080 applies here because the issues before the Court in this proceeding
7 involve “issues of fact” inextricably joined and entangled with this Court’s divorce
8 proceeding in CV 21,682.¹ Child support was addressed in the divorce proceeding, and the
9 support provisions of the *Decree* are being revisited for potential modification by the Master
10 pursuant to NRS 425.382(2)(b)(1) and NRS 3.405.

11 NRS 125B.140 further supports that a child support modification and enforcement
12 proceeding is merely an issue of fact joined to a divorce proceeding where child support
13 obligations were originally set. NRS 125B.140 describes enforcement and modification of
14 child support orders. NEV. REV. STAT. 125B.140(1-2). Notably, the Legislature did not
15 differentiate between child support orders made in a child support modification or
16 enforcement proceeding and child support orders issued as a result of a divorce. NEV. REV.
17 STAT. § 125B.140(1). The Legislature was broad in its description of a child support order.
18 Specifically, the Legislature indicated that “an order” providing for child support could be
19 enforced and modified, as opposed to “the order” from a specific proceeding. NEV. REV.
20 STAT. § 125B.140.

21 Finally, NRS 425.3835 explains that a court adjudicating child support issues in a
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23 ¹ A factual scenario where a child support enforcement proceeding occurs prior to or without an initial decree of divorce
24 creating a child support obligation could result in a different outcome. However, that factual scenario is not before this Court.

1 proceeding other than a divorce proceeding, where the same issues are being adjudicated,
2 must hold a hearing and “may issue a support order pendent lite.” NEV. REV. STAT. §
3 425.3835. The Legislature clearly intended for a child support enforcement or modification
4 proceeding to trail a pending divorce proceeding by allowing an interim child support order
5 while still giving deference to a pending divorce proceeding. Consequently, although a
6 decree of divorce might be issued in a separate proceeding, the modification or enforcement
7 of a decree’s child support provision involves issues of fact joined to the divorce proceeding.

8 A court has jurisdiction to modify *any* prior order regarding child support, regardless
9 of whether the order was first issued in a divorce proceeding or in a child support proceeding
10 to modify or enforce the initial order. *See* NEV. REV. STAT. 125B.140. The retention of
11 jurisdiction to modify a decree of divorce in a separately labeled proceeding supports this
12 Court’s finding that a separate modification or enforcement of child support is an issue of
13 fact joined to the original divorce action and that NRS 125.080 applies here.²

14 Consequently, the presumption outlined in S.C.R. 230(1) is not applicable because
15 Obligee, a party in this matter, has objected to the Our Nevada Judges’ media request. **IT IS**
16 **ORDERED** that the November 20, 2019, Modification Hearing regarding this Court’s child
17 support provision as determined in the *Findings of Fact, Conclusions of Law, and Decree of*
18 *Divorce* be held in private pursuant to NRS 125.080.

19 Alternatively, even if NRS 125.080 did not apply in this instance, good cause exists
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22 ² It could be argued that this Court’s practice of assigning a different case number to child support enforcement and
23 modification proceedings does not make the enforcement proceedings joined to the initial divorce. This argument would
24 be unpersuasive. Upon inspection of the case numbers in this matter, it becomes evident that both the divorce proceeding
and the modification proceeding share the same base case number. The only difference is the “-1” attached to the
modification and enforcement proceeding’s case number. The base case number indicates that each proceeding involves
the same parties.

1 to close the hearings to media coverage. Had this matter been open to the public, this Court
2 would have been required to consider the following factors:

- 3 (a) The impact of coverage upon the right of any party to a fair trial;
4 (b) The impact of coverage upon the right of privacy of any party or witness;
5 (c) The impact of coverage upon the safety and well-being of any party,
6 witness or juror;
7 (d) The likelihood that coverage would distract participants or would detract
8 from the dignity of the proceedings;
9 (e) The adequacy of the physical facilities of the court for coverage; and
10 (f) Any other factor affecting the fair administration of justice

11 S.C.R. 230(2).

12 The first factor regarding a fair trial is not applicable as this matter is not set for trial.
13 Also, there is no indication that the safety of any party or witness would be impacted by
14 media coverage. Nor does the Court's physical facilities hinder the ability of the media to
15 record the proceedings.

16 However, this Court finds that the impact of media coverage on the privacy of the
17 Parties and the two minor children is a substantial factor involved in this instance. Child
18 support modification hearings not only require disclosure of personal financial information,
19 such as tax returns in some instances, but also medical conditions of the parties and the minor
20 children. A modification hearing may also touch upon the special needs of the minor children
21 when applicable.

22 Further, this Court finds that media coverage would substantially detract from the
23 dignity of a child support proceeding. As noted above, child support proceedings require
24 disclosure of some of the most intimate details of a family's life. The raw emotions and
strong feelings surrounding child support determinations can at times be overwhelming to
the parties involved. It is exceedingly undignified to allow any media outlet to display court

1 proceedings where the intimate details and emotions of minor children and parents are aired
2 out. Consequently, this Court finds that media coverage would substantially detract from the
3 dignity of the entire proceeding.

4 Our Nevada Judges indicates that it is open to restrictions that would protect the
5 privacy concerns of the Parties. However, the continuous and repetitive interruptions
6 brought about by first asking the media to cease recording and wait outside during private
7 testimony or discussions and then having to retrieve the media for non-private matters,
8 would be inefficient.

9 Further, as these proceedings are often carried out in a manner promoting open dialog,
10 parties tend to express private matters unpredictably, making it difficult to foresee when the
11 media should be excused. Restricting the parties' ability to freely testify is also a concern as
12 the Court would need to restrict private testimony from being disclosed at certain times.
13 Considering the Court's heavy docket on the date of the Modification Hearing and issues of
14 efficiency and unpredictable testimony, this Court finds that electronic coverage would
15 impede the fair administration of justice.

16 It is clear that the privacy of the minor children and parties, as well as the effect on
17 the dignity of the proceedings and other factors impeding the fair administration of justice,
18 substantially outweigh the factors in favor of allowing media coverage. Consequently, the
19 presumption that all courtroom proceedings are subject to electronic coverage is not
20 appropriate in child support enforcement and modification proceedings. In addition to this
21 Court's powers under NRS 125.080, this Court **PROHIBITS** electronic coverage of this
22 proceeding pursuant to the factors in S.C.R. 230.

23 Even if the presumption in S.C.R. 230 did apply, this Court may exercise its sound
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1 discretion to prohibit the filming or photographing of a participant who does not consent to
2 such act. S.C.R. 240(1). Obligee's objection makes it clear that she does not consent to
3 coverage. Additionally, the State has also objected to electronic coverage.

4 Exercising this Court's discretion to prohibit filming or photographing of Obligee or
5 the State's representative would substantially interfere with Our Nevada Judges' ability to
6 broadcast, photograph, or televise the entire proceeding, considering Obligee's and the
7 State's substantial role as participants in this proceeding. Consequently, this Court exercise's
8 its discretion under S.C.R. 240 and **PROHIBITS** Our Nevada Judges from filming or
9 photographing Obligee and the State's representative during the entire proceeding.

10 CONCLUSION

11 NRS 125.080 allows actions for divorce and issues of fact joined therein to be private
12 upon request of either of the parties. This Court finds that a modification of a decree of
13 divorce in a child support matter constitutes an issue of fact joined to an action for divorce.
14 Obligee's objection to the media request requires this Court to make this proceeding private.

15 Further, even if NRS 125.080 did not apply, after weighing the factors in S.C.R. 230
16 this Court finds that media coverage of child support modification and enforcement
17 proceedings is inappropriate given the sensitive nature of the proceedings.

18 Finally, had NRS 125.080 not applied to this matter and the factors in favor of
19 coverage had outweighed factors opposed to coverage, this Court exercises its discretion
20 under S.C.R. 240(1) to prohibit photography or filming of Obligee and the State's
21 representative based on their objections.

22 It is not this Court's intention to shroud child support proceedings in a veil of secrecy.
23 Our Nevada Judges indicated in its *Reply to Plaintiff's Objection to Media Request* that its
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1 “published works indicate an educational focus.” General education of the public regarding
2 child support proceedings can be obtained through interviews of key participants and other
3 sources without running afoul of the public policy and privacy concerns listed in this
4 **ORDER.**

5 For the reasons stated above, Our Nevada Judges’ request to “broadcast, record,
6 photograph, or televise” this proceeding is **DENIED.**

7 IT IS SO ORDERED.

8 DATED: this November 14, 2019.

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11 HONORABLE MICHAEL R. MONTERO
12 DISTRICT JUDGE
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CERTIFIED COPY

The document to which this certificate is
attached is a full, true and correct copy of
the original on file and of record in my office.
DATE: 11-18-19

Tami Rae Spero, County Clerk and Clerk
of the Sixth Judicial District Court, in and for
The County of Humboldt, State of Nevada
By M. R. Spero Deputy

Per NRS 239 Sec. 6 the SSN may be redacted, but in
no way affects the legality of the document.