IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SEANNA CORNELIUS,
Appellant,
vs.
GEOFFREY CORNELIUS,
Respondent.

No. 82041-COA

ORDER OF AFFIRMANCE

Seanna Cornelius appeals from a post-divorce decree district court order denying a motion to modify child custody and support, as well as a motion to modify the divorce decree. Second Judicial District Court, Family Court Division, Washoe County; Sandra A. Unsworth, Judge.

Pursuant to a decree of divorce entered in 2018, Seanna and respondent Geoffrey Cornelius shared joint legal and physical custody of their minor children. However, following an evidentiary hearing in 2020, the district court awarded Geoffrey primary physical custody and ordered Seanna to pay child support. Seanna later filed a "Motion for Review and Modification of Child Support," in which she claimed that her gross monthly income had significantly dropped as a result of the COVID-19 pandemic. She further argued that the district court should return the parties to their previous joint physical custody arrangement and that Geoffrey should have to pay child support, but she failed to file a financial disclosure form along with her motion as required by WDFCR 40(2). Seanna also filed a separate "Motion to Modify Divorce Decree Due to Fraud of the Court," in which she requested various other forms of relief, including a modification of alimony.

After full briefing, the district court denied both motions in a written order. The court—noting that the parties had not exchanged financial disclosures—concluded that Seanna had not met her burden to demonstrate a change in circumstances to warrant a modification of child support. The court further denied all other requested relief, apparently on the ground that all of those issues had previously been litigated, as it proceeded to inform Seanna that it was inclined to deem her a vexatious litigant as a result of her continued litigation of the same issues, and it set that matter for a hearing.[1] This appeal followed.

We review a district court's determinations regarding child custody and support for an abuse of discretion. *Rivero v. Rivero*, 125 Nev. 410, 428, 438, 216 P.3d 213, 226, 232 (2009). Modification of a primary physical custody arrangement is appropriate if there is a substantial change in circumstances affecting the child and the modification is in the child's best interest. *Id.* at 430, 216 P.3d at 227. Similarly, a district court has authority to modify a child support order if there has been a change in circumstances since entry of the order and the modification is in the best interest of the child. *Id.* at 431, 216 P.3d at 228.

On appeal, Seanna argues only that the district court improperly calculated her income for purposes of determining child support and that it improperly modified physical custody from joint to primary in favor of Geoffrey. But with respect to child support, to the extent Seanna challenges the district court's calculation of her income in either the divorce

[1]The outcome of the vexatious-litigant proceedings is not at issue in this appeal.

decree or the subsequent order modifying custody and support, she failed to appeal from either of those orders.[2] *See* NRAP 3A(b)(7) (providing that orders establishing or altering the custody of minor children are appealable); *Verner v. Jouflas*, 95 Nev. 69, 70-71, 589 P.2d 1025, 1026 (1979) (concluding that appellant's failure to appeal from an appealable order resulted in a waiver of a later challenge to that order); *see also Dakota Payphone, LLC v. Alcaraz*, 121 Cal. Rptr. 3d 435, 447 (Ct. App. 2011) (observing that "[a] party who fails to take a timely appeal from a decision or order from which an appeal might previously have been taken cannot obtain review of it on appeal from a subsequent judgment or order" (internal quotation marks omitted)).

Moreover, Seanna does not address the district court's determination in rejecting her motion to modify child support that, in light of her failure to file a financial disclosure form, she failed to meet her burden to show a change in circumstances warranting a modification of child support. *See Rivero*, 125 Nev. at 431, 216 P.3d at 228; *see also* WDCR 12(1) (providing that a motion concerning child support "shall include disclosure of the financial condition of the respective parties upon a form approved by the court pursuant to Rule 40 of these rules"); WDFCR 40(2) (providing that "a Financial Declaration shall be filed upon motion to establish or modify support in compliance with Rule 12," that "[t]he court-approved form shall

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[2]Although the district court appeared to calculate Seanna's income in the order she now challenges on appeal, those findings were merely restatements of the district court's prior findings in the order modifying custody and support. In the instant order, the district court did not actually calculate Seanna's income—nor did it need to—as it merely concluded that Seanna failed to meet her burden to show that her income had changed from the time of the prior order in light of her failure to file a financial disclosure form.

be used," and that these requirements "may not be waived as to content or time except by order of the court for good cause shown"). Because she fails to challenge the district court's decision on this point, Seanna likewise fails to demonstrate that the district court abused its discretion in denying the motion to modify child support. *See Rivero*, 125 Nev. at 438, 216 P.3d at 232; *see also Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised on appeal are deemed waived).

With respect to Seanna's contention that the district court improperly modified physical custody when it previously awarded Geoffrey primary physical custody, again, she failed to appeal from the order making that modification. *See* NRAP 3A(b)(7); *Verner*, 95 Nev. at 70-71, 589 P.2d at 1026. And although the district court did not directly address the request for joint physical custody contained within Seanna's motion to modify, its conclusion that all of the issues before it had previously been litigated demonstrates that it believed Seanna had not shown a substantial change in circumstances affecting the children to warrant a modification of the existing primary physical custody arrangement. *See Rivero*, 125 Nev. at 430, 216 P.3d at 227; *see also Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) ("The absence of a ruling awarding the requested [relief] constitutes a denial of the claim."). And Seanna fails to explain on appeal how the district court supposedly abused its discretion on this point. *See Rivero*, 125 Nev. at 428, 216 P.3d at 226; *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider claims unsupported by cogent argument).

Finally, we note that Seanna fails to challenge the extent to which the district court denied the requests for relief contained within her "Motion to Modify Divorce Decree Due to Fraud of the Court" that were not wholly duplicative of the relief requested in her motion to modify child custody and support, and she has therefore waived those issues. *See Powell*, 127 Nev. at 161 n.3, 252 P.3d at 672 n.3. Accordingly, because Seanna has failed to demonstrate that reversal is warranted, we affirm the district court's order denying both of her motions.

It is so ORDERED.[3]

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Sandra A. Unsworth, District Judge, Family Court Division
Seanna M. Cornelius
Geoffrey W. Cornelius
Washoe District Court Clerk

[3]Insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.