


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRENTON ST. GEORGE,  
Appellant,  
vs.  
CAITLIN IRENE ST. GEORGE,  
Respondent.

No. 84018-COA

FILED

OCT 21 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Brenton St. George (Brent) appeals from a post-decree order modifying child custody. Eighth Judicial District Court, Family Court Division, Clark County; Nadin Cutter, Judge.

In the proceedings below, Brent and respondent Caitlin St. George were divorced by way of a decree of divorce entered in October 2020. Pursuant to the terms of the decree, the parties were awarded joint legal and joint physical custody of their two minor children. In March 2021, Caitlin moved to modify custody, seeking primary physical custody for the purposes of relocating to Orlando, Florida. Brent opposed and the district court set the matter for an evidentiary hearing. Following the hearing, the district court granted Caitlin's motion, awarding her primary physical custody of the two children and permission to relocate to Orlando with them. This appeal followed.

On appeal, Brent challenges the district court's modification of custody for purposes of relocation. This court reviews a child custody decision for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). Similarly, we review a district court's decision to grant a motion for relocation for an abuse of discretion. *Flynn v. Flynn*, 120 Nev.

436, 440, 92 P.3d 1224, 1227 (2004). In reviewing child custody determinations, this court will affirm the district court's factual findings if they are supported by substantial evidence. *Ellis*, 123 Nev. at 149, 161 P.3d at 242. Substantial evidence is that which a reasonable person may accept as adequate to sustain a judgment. *Id.* When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1); *Davis v. Ewalefo*, 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015). Additionally, we presume the district court properly exercised its discretion in determining the child's best interest. *Flynn*, 120 Nev. at 440, 92 P.3d at 1226-27.

When a parent seeks primary physical custody for the purposes of relocating, the district court must determine whether the relocating parent has a sensible, good faith reason for relocating; that the move is not intended to deprive the non-relocating parent of parenting time; that the best interest of the child is served by allowing the relocation; and that the relocation will result in an actual advantage benefiting the child and relocating parent. NRS 125C.007(1). If this threshold standard is met, the district court must consider: whether the move will likely improve the quality of life for the child and relocating parent; whether the relocating parent's motives are to frustrate the non-relocating parent's custodial time; whether the relocating parent will comply with visitation orders; whether the non-relocating parent's opposition to the move is honorable; and whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that preserves and fosters the non-relocating parent's relationship with the child. NRS 125C.007(2).

Here, the district court made specific findings as to all of the factors enumerated in NRS 125C.007(1) and (2). The district court's order

goes on to make factual findings as to each of the factors governing the children's best interest pursuant to NRS 125C.0035(4). In particular, the district court found that while both parents have great relationships with the children, they work well together, and they cooperate to meet the children's needs, the children could maintain a relationship with their half-sibling by relocating and Brent previously impeded Caitlin's time with the children, such that Caitlin was the parent more likely to allow frequent associations and a continuing relationship with the children. See NRS 125C.0035(4). Based on these findings, the district court ultimately concluded that it is in the children's best interest to primarily reside with Caitlin and relocate to Orlando. Our review of the record demonstrates that the district court's findings are supported by substantial evidence. See *Ellis*, 123 Nev. at 149, 161 P.3d at 242. But on appeal, Brent does not assert that the district court's findings are not supported by substantial evidence. Rather, he contends that the district court, in making its findings, failed to compare the children's lives in Las Vegas, with Brent, to their lives in Orlando, with Caitlin.

Contrary to Brent's assertion, the district court heard testimony from both parties and reviewed documentary evidence demonstrating the children's lifestyles with both parents. Although the district court's written findings do not make a side-by-side comparison of the children's lives in Las Vegas versus their lives in Orlando, the court's findings demonstrate that it considered Brent's evidence regarding the children's lives in Las Vegas in making its determination. Indeed, the district court specifically found that the children were doing well in school, that they had a nice home with Brent, that Brent is a great father, and recognized that they have extended family in Las Vegas. Additionally, as

noted above, the district court specifically found that Brent has a good relationship with the children and is able to meet their needs. Nevertheless, the district court ultimately concluded that it was in the children's best interest to relocate to Orlando with Caitlin. And this court does not reweigh witness credibility or the weight of the evidence on appeal. *See Ellis*, 123 Nev. at 152, 161 P.3d at 244 (refusing to reweigh credibility determinations on appeal); *Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (refusing to reweigh evidence on appeal). In light of the foregoing, we cannot conclude that the district court abused its discretion in making its best interest findings or in concluding that granting Caitlin primary physical custody and allowing her to relocate with the children was in their best interest. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241; *Flynn*, 120 Nev. at 440, 92 P.3d at 1227.

As to Brent's summary assertion that his constitutional rights were violated because the district court improperly weighed the children's relationship with their new sibling above his constitutional right to parent, we likewise discern no basis for relief. As an initial matter, Brent has failed to offer any cogent argument as to how the district court violated his constitutional rights or cite to any authority to support his summary argument. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (concluding that this court need not consider issues that are not cogently argued or supported by relevant authority). Regardless, we note that the district court properly considered the children's ability to maintain a relationship with a sibling in the context of what was in the children's best interest. *See NRS 125C.0035(4)(i)*. And that factor, along with the district court's finding that Caitlin was the parent more likely to allow frequent association and a continuing

relationship with the children, *see* NRS 125C.0035(4)(c), supported the district court's conclusion that modification was in the children's best interest. Because the district court properly considered the relocation factors pursuant to NRS 125C.007 and the children's best interest, we discern no basis for relief. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241; *Flynn*, 120 Nev. at 440, 92 P.3d at 1227.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Nadin Cutter, District Judge, Family Court Division  
McFarling Law Group  
Law Practice, Ltd.  
Gallagher Attorney Group, LLC  
Eighth District Court Clerk

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<sup>1</sup>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.