IN THE SUPREME COURT OF THE STATE OF NEVADA

MELANIE BLACKWOOD,
Appellant,
vs.
MARK L. BLACKWOOD,
Respondent.

No. 90713

ORDER GRANTING MOTION FOR REMAND AND DISMISSING APPEAL

This is an appeal from a May 21, 2025, post-divorce-decree district court order concerning motions to modify child custody and award child support. Eighth Judicial District Court, Family Division, Clark County; Regina M. McConnell, Judge.

Pursuant to the parties' stipulation and court order, appellant has held sole legal and physical custody in Oklahoma over the parties' two youngest children since December 2020, with neither party paying child support. In 2023, appellant moved for child support and respondent sought reunification. The district court held an evidentiary hearing on November 22 and December 6, 2024. The order resulting from this evidentiary hearing was not entered until several months later, however, on May 21, 2025. In the May 21 order, the district court made findings relevant to custody, ultimately granting the parties joint legal custody and determining that appellant would have primary physical custody. Relative to physical custody, the court granted respondent's motion for reunification and ordered reunification therapy, with the future goal of obtaining in-person visitation in Nevada; the order states that the parties will go to mediation after six months of reunification therapy to try to work out "any permanent out of state, visitation agreement." The court further granted appellant's

motion for child support. Appellant filed a timely notice of appeal from the May 21 order.

After the evidentiary hearing and before the May 21 order was entered, however, respondent filed two emergency motions for custody, pointing to incidents that occurred after the evidentiary hearing. In response, appellant filed a countermotion for sole custody. At an April 10 hearing, during which the district court announced its decision from the evidentiary hearing, the court also heard argument on the initial emergency motion. In the resulting written order filed on April 21, the court determined that respondent had made a showing sufficient to warrant a new evidentiary hearing on child custody, which it set for July 17, 2025, and directed the parties to provide additional evidence in the form of medical and school records. Apparently, jurisdictional concerns stemming from appellant's notice of appeal from the May 21 order have stalled the 2025 child custody proceedings.

Respondent has now filed a motion for remand, *see* NRAP 12A, asserting that the district court has certified or will certify its intent to entertain the emergency motions for relief.[1] In the motion, respondent

[1]Respondent attached to his motion a July 22, 2025, district court order that grants respondent's motion for relief under *Mack-Manley* or *Huneycutt*, both of which are decisions that refer to the remand process now set forth in NRCP 62.1 and NRAP 12A. *See, respectively, Mack-Manley v. Manley*, 122 Nev. 849, 138 P.3d 525 (2006), *and Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978). The July 22 order "certifies for this to be remanded for additional orders and possibly an evidentiary hearing and additional discovery," which it says is "ongoing." Although the order is somewhat vague, when read in context with the procedural history relayed above and considering that respondent apparently moved for relief under *Mack-Manley* and *Huneycutt*, we understand this order as indicating that the district court has determined that the parties' 2025 emergency motions concerning child custody raise a substantial issue warranting further consideration. *See* NRCP 62.1(a); NRAP 12A(b).

argues that the May 21 order is not final and appealable because the district court in April found cause to set a new evidentiary hearing on custody based on the parties' emergency motions, and thus custody has not been finally determined. Respondent further argues that a remand is appropriate so that the district court can further consider the custody situation in light of the more recent events noted in the emergency motions, which impact the children's health and safety. Appellant opposes the motion, asserting that the May 21 order is final and appealable because it adjudicated all pending child custody and support issues and that remand is inappropriate because no new information was brought forth in the emergency motions—at least no new information that was discovered after the notice of appeal was filed and not considered by the court.

Having reviewed the parties' arguments in light of the procedural history of this case, we note that it is unclear whether the May 21 order finally resolved child custody issues such that it was appealable under NRAP 3A(b)(7). That rule provides that "[a]n order will be deemed final when all pending issues of child custody, guardianship of minors, parenting time, visitation, or relocation of a minor are resolved." Here, before a written decision was entered on the parties' 2023 motions, the district court determined that further consideration of custody was necessary in light of new information, as indicated in the court's April 21 order. This suggests that custody could not be finally decided absent consideration of the new information and, most likely, another evidentiary hearing. Nevertheless, the court thereafter entered the May 21 order purporting to resolve the child custody issues before the court in 2024. The May 21 order did not address the April 21 order or the emergency motions besides vaguely noting that a pending motion was not considered in rendering the decision. Being later in time, the May 21 order would arguably supersede the earlier orders on child custody. However, the

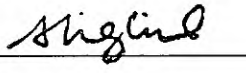
existence of a pending motion at least suggests nonfinality, and it is further unclear whether requiring reunification therapy but leaving any award of visitation to future consideration constitutes a final order on custody. Given the uncertainty surrounding jurisdiction here, we cannot fault appellant for filing her notice of appeal when she did.

We need not determine jurisdiction at this time, however, as we conclude that, in light of the April 21 order and the July 22 order regarding remand, the district court has clearly indicated that further consideration of the child custody situation is necessary. We agree with the district court that further proceedings are warranted so that recent events, as well as both parties' arguments and any evidence concerning them, may be included in making an ultimate determination on custody. Accordingly, we grant the motion for remand and direct the district court to expeditiously resolve the child custody (legal and physical) and support issues in this matter by a new written order. Given that a new determination is required, we do not retain jurisdiction and thus dismiss this appeal. Any appeal from the district court's final child custody and child support determination must be taken by filing a new notice of appeal.

It is so ORDERED.

_____, J.
Parraguirre

_____, J.
Bell



_____, J.
Stiglich

cc: Hon. Regina M. McConnell, District Judge, Family Division
Ara H. Shirinian, Settlement Judge
Ghandi Deeter Blackham
Lynn Conant
Eighth District Court Clerk