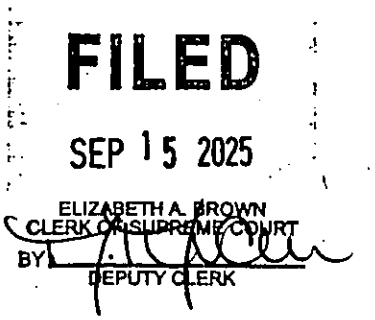
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIFFANEE BRUCHU,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE HEIDI ALMASE, DISTRICT JUDGE,
Respondents,
and
THOMAS BRUCHU,
Real Party in Interest.

No. 91033-COA



ORDER GRANTING PETITION

Tiffanee Bruchu brings this original petition for a writ of mandamus challenging a temporary child custody order.

Tiffanee and real party in interest Thomas Bruchu share one minor child, W.B., born in January 2016, and they divorced in August 2020. The initial custody decree provided the parties joint legal and physical custody. While the exact date is not clear from the record, at some point in time Thomas moved from southern Nevada to Utah. Thereafter, following an August 2023 hearing, the district court entered an order confirming a stipulated change in custody that provided primary physical custody to Tiffanee. A May 2024 stipulation and order continued this arrangement; the parties shared joint legal custody and Tiffanee had primary physical custody of W.B. subject to Thomas's parenting time.

On March 21, 2025, the parties filed competing motions. Tiffanee's ex parte motion sought the return of W.B. from Utah, asserting that Thomas had failed to return her according to the current custody order.

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The district court denied Tiffanee's motion. Thomas's motion sought sole legal and primary or sole physical custody of W.B. Therein, Thomas alleged that while W.B. was in his care he discovered explicit photos and videos she had taken of herself on her cell phone while in Tiffanee's care, and that she had been sending these pictures to men who were sending her explicit pictures in return.[1] Thomas stated that he had turned the phone into Henderson's Special Victims Unit (SVU) and that cases had been opened with the Departments of Family Services (DFS) in both Nevada and Utah, and provided the corresponding case numbers. He requested to keep custody of W.B. "until the [SVU] has completed their investigation."

After holding a hearing, the district court entered an order on April 7, 2025, that "[o]n an [e]mergency basis, and temporarily, pending final briefing" allowed W.B. to remain in Utah with Thomas. The order gave Thomas until April 15, 2025, to supplement his previous motion to explicitly request relocation and gave Tiffanee an opportunity to oppose any supplement.[2] A return hearing was scheduled for the next month.

Following the return hearing, the district court entered an order on June 6, 2025, that allowed W.B. to stay in Utah and included a standard out-of-state holiday parenting-time schedule. The order did not address relocation or best interest factors. An evidentiary hearing regarding Thomas's custody motion was set for December 23, 2025. Tiffanee filed numerous motions seeking to change custody or stay the custody order, which the district court denied without a hearing. Tiffanee

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[1]The copy of Thomas's motion included in the record is not file-stamped.

[2]No supplement, opposition to the supplement, or hearing transcript was included in the record provided to this court.

then filed the instant pro se petition seeking a writ of mandamus directing the district court to enforce the previously stipulated custody order until the December 23 hearing and vacate the order allowing W.B. to stay in Utah.[3]

Tiffanee asserts that writ relief is warranted because the district court abused its discretion in changing custody without making best interest findings or finding a change in circumstances and by continuing the temporary custody order after she purportedly provided proof that there were no ongoing SVU or DFS investigations. She further argues that the district court abused its discretion by failing to hold a timely evidentiary hearing after entering the temporary order. Thomas's pro se opposition argues that he demonstrated a change of circumstances warranted the custody modification and that Tiffanee should file an appeal if she wishes to challenge the current custody order.[4]

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). The petitioner bears the burden of demonstrating that writ relief is warranted, and such relief is only proper when there is no plain, speedy, and adequate remedy at law. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). This court has sole

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[3]Tiffanee also sought an emergency stay of the district court's order pending resolution of this petition, which this court denied on August 6, 2025.

[4]We grant Tiffanee's motion for an extension of time to file a reply brief and have considered that brief in resolving her petition. The clerk of this court shall therefore detach the reply brief from Tiffanee's September 5, 2025, motion and file it separately.

discretion over whether to entertain the writ petition. *D.R. Horton, Inc. v. Eighth Jud. Dist. Ct.*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Here, because the district court's order was temporary, rather than final, it is not appealable, and it involves important legal questions affecting a minor child with a record that is adequate to address the legal questions. Therefore, we have chosen to entertain the writ petition. *See In re Temporary Custody of Five Minors*, 105 Nev. 441, 443, 777 P.2d 901, 902 (1989) (recognizing that temporary custody orders are not substantively appealable); NRAP 3A(b)(1) (authorizing appeals from final judgments).

Having considered the petition, answer, reply, and appendix, we conclude that extraordinary writ relief is warranted. First, we recognize that, when making a temporary custody order under exigent circumstances with only limited information, it may not be practicable for the district court to make all of the findings customarily required to support a custody order. *See* NRS 125C.0045(1)(a) (providing that a district court may, during the pendency of an action, "make such an order for the custody, care, education, maintenance and support of the minor children as appears in his or her best interest"). And we further recognize that the district court's child custody decisions are owed deference and generally are subject only to review for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149,161 P.3d 239, 241 (2007). However, "deference is not owed to legal error, or to findings so conclusory they may mask legal error." *Davis v. Ewalefo*, 131 Nev. 445, 450, 352 P.3d 1139, 1142 (2015) (internal citations omitted). And, at least in the context of final custody orders, "[f]ailure of the district court to properly consider any best interest factor and make specific findings constitutes an abuse of discretion." *Soldo-Allesio v. Ferguson*, 141 Nev., Adv. Op. 9, 565 P.3d 842, 849 (Ct. App. 2025). An abuse of discretion also occurs when a

district court resolves a relocation motion without making findings regarding NRS 125C.007's relocation factors. *See Pelkola v. Pelkola*, 137 Nev. 271, 273-75, 487 P.3d 807, 810-11 (2021) (holding that a district court abused its discretion in resolving a relocation motion without making explicit findings regarding the NRS 125C.007 factors).

Here, the challenged order changed primary physical custody from Tiffanee to Thomas and granted a de facto relocation because, to comply with the custody order, W.B. must live in Utah with Thomas. In making these decisions, the district court made no explicit finding of a change in circumstances and did not address any factors relevant to relocation or the child's best interests in either its initial order changing custody or the June 6 order that continued the temporary custodial arrangement. The district court also made no findings that W.B. would be unsafe if Tiffanee maintained primary physical custody. Without any findings in either of the orders temporarily changing custody for us to review, or a finding in the June 6 order that emergency circumstances continued or investigations were ongoing, we cannot conclude that the district court properly exercised its discretion in entering the temporary custody order.

Further, it appears that setting the evidentiary hearing on December 23 for the custody modification determination violates SCR 251, which requires district courts to resolve custody motions within six months from the time an opposition to a custody modification is filed, unless the court makes specific findings as to why more time is needed. The contest here began in March or April and the district court filed its challenged

custody order on June 6,[5] but the evidentiary hearing was set more than six months later for December 23, and no findings supporting that delay appear in the record. *See Roe v. Roe*, 139 Nev. 163, 168 n.6, 535 P.3d 274, 283 n.6 (Ct. App. 2023) (stating the requirements of SCR 251).

Based on the foregoing, we conclude that our extraordinary intervention is warranted. Therefore, the clerk of this court shall issue a writ of mandamus directing the district court to 1) vacate the April 7 and June 6 custody orders; 2) reinstate the May 2024 stipulated custody order; and 3) enter an order providing justification for the December 23 hearing date as required by SCR 251, or vacate the December 23 hearing and schedule a new hearing date that complies with SCR 251. Nothing in our order prevents the district court from entering an emergency custody order under exigent circumstances or conducting an abbreviated evidentiary hearing on an expedited basis for temporary physical custody.

It is so ORDERED.[6]

_____, C.J.
Bulla

_____, J.
Gibbons

[5]Because Tiffanee's opposition is not in the record, we treat the date of filing of the district court's order as the operative date from which to determine whether the hearing date complied with SCR 251.

[6]The parties have filed numerous motions while this petition was pending. Except as already stated herein, we decline to grant any requested relief on these motions.

WESTBROOK, J., dissenting:

This writ petition presents the court with a difficult set of facts. But the record presented with the writ petition fails to provide the information necessary to demonstrate that the district court abused its discretion. Indeed, without all of the briefing and evidence filed with the district court, or the transcripts of the district court hearings, I would presume that the missing items support the district court's decision to, on an emergency basis, temporarily change custody in order to protect W.B.'s best interests. *See* NRAP 21(a)(4) (providing that "pro se writ petitions must be accompanied by an appendix [that] include[s] a copy of any . . . parts of the record . . . that may be essential to understand the matters set forth in the petition"); *Cuzze v. Univ. & Comm. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (stating that when a party that bears the burden of providing the appendix "fails to include necessary documentation in the record, [the court] necessarily presume[s] that the missing portion supports the district court's decision"). Accordingly, I would decline to grant writ relief on the record before the court, and I therefore respectfully dissent.

Westbrook, J.
Westbrook

cc: Hon. Heidi Almase, District Judge, Family Division
Tiffanee Bruchu
Thomas Bruchu
Eighth District Court Clerk