

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARIA ELDER,
Appellant,
vs.
KEVIN ELDER,
Respondent.

No. 90368-COA

FILED

NOV 20 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY W. James
DEPUTY CLERK

ORDER OF AFFIRMANCE AND DISMISSAL IN PART

Maria Elder appeals from a district court post-divorce decree order denying a motion to modify child support. Eighth Judicial District Court, Clark County; Vincent Ochoa, Judge.

Maria and respondent Kevin Elder were married in 2012 and share two children. The parties filed for divorce in 2020, and both stipulated to the existence, and validity, of a prenuptial agreement which contained a mutual waiver of community property accrual and alimony. During the proceedings, the parties further stipulated to joint legal and physical custody. Accordingly, the only issue for the district court to resolve was Kevin's child support obligation.

The district court set an evidentiary hearing for December 2021, at which the parties announced they had reached a settlement. Under the settlement's terms, instead of providing monthly child support payments, Kevin would fund a trust, and the trust would then disperse funds to Maria to pay the children's expenses. Due to the recent enactment of NAC 425.120, which required that either the parties stipulate to their

monthly gross incomes or that the court determine their monthly gross incomes, the parties agreed “for purposes of the stipulation and order” that Kevin’s monthly gross income was \$500,000. The parties then requested time to finalize a written settlement agreement.

The parties were unable to agree on the trust’s terms, and Kevin moved to enforce the settlement agreement, requesting that the district court adopt his proposed terms. Maria filed an opposition, which requested the agreement be enforced but that it be based on her proposed terms. Ultimately, the district court declined to enforce the agreement because it was premised on Kevin’s child support obligation being nonmodifiable and the court agreeing to relinquish jurisdiction over child support issues going forward. Instead, the district court entered a decree of divorce in September 2022 that awarded the parties joint legal and physical custody. The court scheduled an evidentiary hearing to determine Kevin’s child support obligation for October 2023.

Maria then terminated her counsel and failed to appear at the evidentiary hearing where Kevin presented evidence that his average monthly gross income was \$125,000. The district court subsequently entered an order on October 9, 2023, finding that Kevin’s monthly gross income was \$125,000 and pursuant to the child support guidelines, his child support obligation was \$8,000 per month. Maria did not appeal that decision.

In October 2024, Maria filed her first motion to modify child support and argued that the district court should have found Kevin’s monthly gross income was \$500,000 based upon the parties’ prior proposed

settlement and thus she was entitled to approximately \$32,000 per month in child support. Kevin opposed the motion, and the court set a motion hearing. At the hearing, Maria acknowledged she was aware of both the September 2022 divorce decree and October 2023 evidentiary hearing but chose not to attend because the court would not accept the proposed divorce decrees that she repeatedly submitted following entry of the operative divorce decree. The district court denied the motion to modify, finding that Maria failed to allege changed circumstances warranting modification. Maria did not appeal that order.

In January 2025, Maria filed two largely identical motions to modify child support (collectively the second motion to modify) that again argued the child support award should be based on Kevin's monthly gross income as set forth in the parties' proposed settlement and thus she was entitled to nearly \$32,000 per month in child support. Kevin again opposed and argued the motion was an untimely request for reconsideration, lacked evidentiary support, and did not demonstrate changed circumstances. The district court then entered an order denying the second motion to modify in which it essentially determined that Maria failed to demonstrate changed circumstances warranting review, reasoning that her motion was identical to her prior motion and that she failed to establish a factual or legal basis for relief. Maria now appeals.

We review orders regarding child support for an abuse of discretion. *Backman v. Gelbman*, 141 Nev., Adv. Op. 8, 565 P.3d 330, 333 (Ct. App. 2025). An abuse of discretion occurs when findings are not supported by substantial evidence. *Rivero v. Rivero*, 125 Nev. 410, 428, 216

P.3d 213, 226 (2009) *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022). “[T]he district court only has authority to modify a child support order upon finding that there has been a change in circumstances since the entry of the order and the modification is in the best interest of the child.” *Id.* at 431, 216 P.3d at 228.

Maria’s notice of appeal designates the district court’s March 2025 order denying her second motion to modify as the decision being challenged in this appeal. However, Maria does not address the court’s determination that there was no factual or legal basis warranting modification in March 2025 in her informal opening brief. Instead, her brief focuses on the September 2022 divorce decree and the October 2023 child support order.¹ Because Maria has not presented any cogent argument concerning the challenged order to show a change in circumstances warranting modification and that modification is in the children’s best interest, she failed to demonstrate the court abused its discretion. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280,

¹To the extent Maria challenges the district court’s September 2022 divorce decree, which found the prenuptial agreement was valid, and the October 2023 order setting Kevin’s initial child support obligation, her arguments were required to have been raised in a timely appeal from the October 2023 order, and we therefore dismiss this portion of her appeal as untimely. *See* NRAP 3A(b)(1) (providing that a final judgment is an independently appealable determination); *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (holding that an untimely appeal fails to invoke the appellate court’s jurisdiction and thus must be dismissed).

1288 n.38 (2006) (providing that this court need not consider claims that are unsupported by cogent arguments). Accordingly, we

ORDER the judgment of the district court AFFIRMED and DISMISS the appeal in part.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Vincent Ochoa, District Judge
Maria Elder
The Jimmerson Law Firm, P.C.
Eighth District Court Clerk

²Insofar as Maria raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief. We likewise deny Maria's motion to submit new evidence because our review is limited to the evidence contained in the record and the motion concerns actions that occurred following the filing of the notice of appeal. *See Carson Ready Mix v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981); *see also* NRS 177.165.

We additionally deny Kevin's request that we sanction Maria.