IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KATHRYN MEAD,
Appellant,
vs.
BRIAN MEAD,
Respondent.

No. 90450-COA

ORDER OF AFFIRMANCE

Kathryn Mead appeals from a district court order denying her motion to modify child custody and support. Eighth Judicial District Court, Family Division, Clark County; T. Arthur Ritchie, Jr., Judge.

Kathryn and respondent Brian Mead divorced in 2007 and are the parents of three children, all of whom are now adults. In February 2024, Brian's house burned down and Kathryn then moved for primary physical custody of their youngest child, R.M., who was still a minor at the time. The district court entered an order awarding the parties joint legal and physical custody of R.M. and determined Brian's child support obligation to her (the 2024 custody order). Following Kathryn's appeal, this court affirmed that order. *Mead v. Mead*, Docket No. 88915-COA, 2024 WL 5163245 (Nev. Ct. App. Dec. 18, 2024) (Order of Affirmance).

Following the remittitur, Kathryn filed a February 2025 motion to modify custody of R.M., who had turned 18 in January but would not graduate from high school until May, and requested a review of Brian's child support obligation. Kathryn's motion primarily argued the district court's

2024 custody order was based on various legal errors or otherwise not supported by substantial evidence. Specifically, Kathryn argued the district court erred by failing to recognize that following the February 2024 fire, she was R.M's de facto primary physical custodian and that the court committed various errors when calculating child support, including by failing to enter a support award based on her status as de facto primary physical custodian. Kathryn requested the court modify physical custody to recognize her as the primary physical custodian. Kathryn further requested the court recalculate child support because she was struggling financially and believed Brian had withheld evidence of his true income during the 2024 evidentiary hearing. Kathryn's motion did not include an updated Financial Disclosure Form (FDF) nor did it provide any details to support her claim that Brian had misrepresented his true income. Brian did not file an opposition.

The district court denied Kathryn's motion without holding a hearing. The court found that the parties' children, including R.M., were now adults and it had recently addressed custody in its 2024 order, which was affirmed on appeal. The court further found that Kathryn did not support her motion with an updated FDF and that the court had previously made findings regarding the parties' income and earning potential. Accordingly, the court found Kathryn failed to allege a substantial change in circumstances warranting a review of child custody or support. Kathryn now appeals.

On appeal, Kathryn presents numerous arguments challenging the district court's 2024 custody order and contends that the 2025 order

"suffers from the same defects" as the 2024 order. However, this court has already considered and rejected Kathryn's arguments challenging the 2024 order. *See Mead*, Docket No. 88915-COA, 2024 WL 5163245. "Under the law of the case doctrine, when an appellate court states a principle or rule of law necessary to a decision, the principle or rule becomes the law of the case and must be followed throughout its subsequent progress, both in the lower court and upon subsequent appeal." *Hsu v. Cnty. of Clark*, 123 Nev. 625, 629-30, 173 P.3d 724, 728 (2007) (internal quotation marks and brackets omitted). Thus, because this court has already considered and rejected Kathryn's challenges to the 2024 order, the doctrine of the law of the case prevents further litigation of that order. Accordingly, Kathryn is not entitled to relief based on these arguments.

Kathryn next argues the district court abused its discretion by denying her motion to modify child custody without first holding an evidentiary hearing.[1] This court reviews the denial of a motion to modify

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[1]We note that R.M. is now 18 and has graduated high school, which would ordinarily moot the motion to modify custody. However, Kathryn's motion also sought a modification of child support, which she could properly seek for child support payments that accrued between the date R.M. turned 18 and the date he graduated from high school. *See* NAC 425.160(1) (providing that a child support obligation generally terminates when the child reaches the age of 18 or, if the child is still in high school, after the child graduates); *see also Hildahl v. Hildahl*, 95 Nev. 657, 660, 601 P.2d 58, 60 (1979) ("[P]ayments once accrued for either alimony or support of children become vested rights and cannot thereafter be modified or voided." (quotation omitted)); NRS 125B.140(1)(b) ("Payments for the support of a child . . . which have not accrued at the time either party gives notice that the party has filed a motion for modification . . . may be modified . . . by the

custody without an evidentiary hearing for abuse of discretion. *Myers v. Haskins*, 138 Nev. 553, 556, 513 P.3d 527, 531 (Ct. App. 2022). A district court abuses its discretion only when "no reasonable judge could reach a similar conclusion under the same circumstances." *In re Guardianship of Rubin*, 137 Nev. 288, 294, 491 P.3d 1, 6 (2021). When a movant seeks to modify physical custody, a district court must hold an evidentiary hearing if the movant demonstrates "adequate cause" for one. *Rooney v. Rooney*, 109 Nev. 540, 542, 853 P.2d 123, 124 (1993). "Adequate cause" arises if the movant demonstrates a prima facie case for modification. *Id.* at 543, 853 P.2d at 125. A prima facie case requires that the movant demonstrate that "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the child's best interest is served by the modification." *Romano v. Romano*, 138 Nev. 1, 3, 501 P.3d 980, 982 (2022). To avoid "repetitive, serial motions," "any change in circumstances must generally have occurred since the last custody determination." *Ellis v. Carucci*, 123 Nev. 145, 151, 161 P.3d 239, 243 (2007) (internal citation and quotation marks omitted). "In determining whether a movant has demonstrated a prima facie case for modification of physical custody, the court must accept the movant's specific allegations as true." *Myers*, 138 Nev. at 556-57, 513 P.3d at 532. "[D]emonstrating a prima facie case for

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court upon a showing of changed circumstances."). Because Kathryn's motion to modify child support was necessarily premised on the child custody arrangement, we conclude the custody portion of her appeal is not moot. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010).

modification is a *heavy burden* on a petitioner which must be satisfied before a hearing is convened." *Id.* at 560, 513 P.3d at 534 (emphasis in original) (internal citation and quotation marks omitted).

We conclude that Kathryn failed to demonstrate a prima facie case of changed circumstances and thus the district court did not abuse its discretion by denying the motion without holding a hearing. Notably, Kathryn's motion was framed as correcting various errors she alleged occurred during the prior evidentiary hearing, which resulted in the 2024 order. Further, she contends modification was warranted based on the February 2024 fire, which occurred prior to the 2024 custody order that this court previously affirmed. Because Kathryn's motion failed to allege changed circumstances occurring after the 2024 custody order, it was repetitive and she was not entitled to an evidentiary hearing. *See Ellis*, 123 Nev. at 151, 161 P.3d at 243. Accordingly, we conclude the district court did not abuse its discretion by denying the motion without holding an evidentiary hearing.

We similarly conclude the district court did not abuse its discretion in denying the motion to modify child support without holding an evidentiary hearing. This court reviews orders regarding child support for abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996). NRS 125B.145(4) states a court may review a child support order "at any time on the basis of changed circumstances." Here, the court found it had recently entered a child support order and that it made findings regarding income and earning potential. Further, the court noted that Kathryn had not supported her motion with an updated FDF and that

Kathryn had not demonstrated a change in financial circumstances warranting review. As noted above, Kathryn's motion was based upon alleged errors that occurred during the 2024 evidentiary hearing and the February fire, which occurred prior to the 2024 evidentiary hearing. Kathryn therefore failed to demonstrate changed circumstances warranting an evidentiary hearing. Thus, the district court did not abuse its discretion in denying her motion without such a hearing. *See Backman v. Gelbman*, 141 Nev., Adv. Op. 8, 565 P.3d 330, 335-36 (Ct. App. 2025) (discussing when changed circumstances necessitate a full hearing).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Bulla

_____, J.
Gibbons

_____, J.
Westbrook

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Division
Brian Mead
Kathryn Mead
Eighth District Court Clerk