

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VERONICA RUVALCABA,  
Appellant,  
vs.  
CLARK COUNTY DEPARTMENT OF  
FAMILY SERVICES,  
Respondent.

No. 89719-COA

**FILED**

JAN 22 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Melissa Fuller*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Veronica Ruvalcaba appeals from a district court order denying her petition for judicial review of an administrative decision. Eighth Judicial District Court, Clark County; Erika L. Mendoza, Judge.

Ruvalcaba and Antonio Sanchez are married and have three minor children, J.S., V.S., and X.S. In June 2019, law enforcement responded to Ruvalcaba and Sanchez's home after receiving a 9-1-1 call. Upon law enforcement's arrival, Sanchez informed them that he and Ruvalcaba had been arguing about which bathroom V.S. should use to take a shower. Sanchez claimed that Ruvalcaba followed V.S. into the bathroom and that he heard V.S. cry out, which caused him to enter the bathroom where he observed Ruvalcaba slapping V.S.'s arm. Sanchez told Ruvalcaba to exit the bathroom, and Ruvalcaba then turned and began slapping him. Sanchez denied slapping Ruvalcaba and claimed that during the argument, the couple's oldest son, J.S., entered the bathroom and grabbed Ruvalcaba's arms to prevent her from further attacking Sanchez. Sanchez then

observed Ruvalcaba bite J.S.'s shoulder, which caused J.S. to release her. The fight then ended when Ruvalcaba's father entered the bathroom and restrained her.

Ruvalcaba did not deny slapping Sanchez and instead claimed that she had been in the bathroom helping V.S. wash her hair but that V.S. was being disrespectful so she slapped her arm. V.S. then began crying and when Sanchez entered the room the couple began slapping each other. Ruvalcaba acknowledged that J.S. then entered the room and attempted to restrain her and that she bit his shoulder when he refused to release her.

J.S. informed law enforcement that he heard his parents fighting and entered the bathroom to de-escalate the situation when he observed Ruvalcaba slap Sanchez. J.S. stated he further observed Ruvalcaba pick up a glass cup and prepare to throw it, so he grabbed her arm to prevent this. Ruvalcaba instructed him to release her, and when he refused, she bit his left shoulder which caused him to release her. The children informed law enforcement that Ruvalcaba threw the glass which shattered.

Law enforcement observed that Sanchez had scratches on his face, J.S. had a visible bite mark on his shoulder, and Ruvalcaba had no visible injuries. Based on this, law enforcement determined Ruvalcaba was the primary or initial aggressor and arrested her. Ruvalcaba was initially charged with two counts of battery constituting domestic violence, but these charges were dismissed after Ruvalcaba completed anger management courses.

Following the arrest, law enforcement contacted respondent Clark County Department of Family Services (CCDFS) to report allegations of abuse or neglect. CCDFS responded to the home but arrived after Ruvalcaba had been removed from the home. CCDFS conducted a preliminary investigation and determined that the couples' three children faced a present threat of abuse or neglect due to the domestic violence and entered a present danger plan that required Ruvalcaba's father to supervise any interactions between Ruvalcaba and the three children. CCDFS also determined a formal investigation into the allegations of abuse and neglect was warranted. As part of the investigation, CCDFS interviewed Sanchez, Ruvalcaba, the three children, and Ruvalcaba's father. Ultimately, CCDFS substantiated the allegation that Ruvalcaba abused J.S. by biting him and neglected all three children by allowing them to witness domestic violence, which placed them at a higher risk of harm due to the unpredictable nature of domestic violence incidents. As a result of CCDFS's finding, CCDFS informed Ruvalcaba that pursuant to NRS 432B.310, it was required to report her to Nevada's Central Registry.

Ruvalcaba retained counsel and filed a timely administrative appeal arguing that CCDFS was exaggerating the incident, that the bite did not constitute physical abuse because it was minor, and she was a good mother who did not neglect her children. The matter then proceeded to an evidentiary hearing before an administrative hearing officer. A CCDFS investigator, J.S., and Ruvalcaba testified at the hearing, and the hearing officer admitted CCDFS's investigation file, which included the police report and CCDFS's investigation notes. The CCDFS investigator testified that

she interviewed J.S. several days after the incident and observed the bite mark, her interviews with the children and Sanchez revealed a long history of domestic violence, and that CCDFS determined Ruvalcaba was the primary aggressor during the June 2019 domestic violence incident.

J.S. then testified. J.S. confirmed that he entered the bathroom after hearing a commotion and attempted to de-escalate the situation by standing between his parents. J.S. stated that before he could further intervene, he observed Ruvalcaba pick up and throw a glass toothbrush container, which then shattered. J.S. testified he grabbed his mother's wrists to prevent her from "attack[ing] his father in any way." Ruvalcaba told J.S. to release her but he refused. J.S. admitted that his mother then bit his shoulder but that he released her out of surprise, not pain, because the bite did not hurt him. J.S. denied being upset by the bite or witnessing any prior incidents of domestic violence between his parents. J.S. testified that Ruvalcaba was a good mother who cared for the children.

Ruvalcaba then testified. Ruvalcaba denied prior incidents of domestic violence and claimed that "domestic violence to me, it's disagreements" but admitted to a long history of arguments. Ruvalcaba further claimed the couple's arguments did not have a negative impact on their children. Regarding the June 2019 incident, Ruvalcaba claimed Sanchez undermined her by instructing V.S. to wait to shower instead of using the hallway bathroom and that as a result, V.S. was being disrespectful towards her. V.S. eventually agreed to shower in the hallway bathroom and Ruvalcaba followed her into the bathroom to help her wash her hair. While showering, V.S. continued to be "a little rude" so Ruvalcaba

slapped her arm, which caused V.S. to cry out. Ruvalcaba claimed that Sanchez then entered the bathroom and ordered Ruvalcaba to leave, but when she refused, he slapped her first. Ruvalcaba admitted she then slapped Sanchez, which J.S. observed, and then picked up a glass toothbrush holder and threw it on the ground. J.S. then grabbed her wrists “really tightly” and so she bit him. Ruvalcaba acknowledged biting J.S. was wrong but claimed she did so because she needed her hands free to defend herself from Sanchez. Ruvalcaba admitted that while J.S. was holding her, Sanchez was not attempting to attack her, but testified he was “being rude” to her by yelling. Ruvalcaba acknowledged the fight stopped because her father entered the bathroom and restrained her. Finally, Ruvalcaba admitted that V.S. had witnessed the incident but did not believe V.S. was negatively impacted by the incident.

The hearing officer entered an order which found that the preponderance of the evidence supported CCDFS’s conclusion that Ruvalcaba physically abused J.S. by biting him and that Ruvalcaba had neglected all three children by exposing them to domestic violence. Specifically, the hearing officer found that domestic violence was inherently unpredictable and allowing the children to be present during domestic violence incidents increased the risk of harm and constituted neglect.

Ruvalcaba then filed a petition for judicial review. Initially, the district court dismissed the petition for judicial review because Ruvalcaba failed to timely file an opening brief. However, Ruvalcaba then brought a motion to set aside the dismissal, which the court granted, and subsequently filed her opening brief. CCDFS filed an answering brief, and

the court denied the petition finding there was no clear error or abuse of discretion by the hearing officer. Ruvalcaba now appeals.

The standard for reviewing an administrative decision on a petition for judicial review is the same for both this court and the district court. *City of Reno v. Bldg. & Constr. Trades Council of N. Nev.*, 127 Nev. 114, 119, 251 P.3d 718, 721 (2011). This court does not give any deference to the district court order when reviewing an order on a petition for judicial review. *City of N. Las Vegas v. Warburton*, 127 Nev. 682, 686, 262 P.3d 715, 718 (2011). This court reviews an administrative hearing officer's legal determinations, including statutory interpretation, de novo. *Id.* But we review their factual findings for clear error or arbitrary abuse of discretion and will not overturn them if they are supported by substantial evidence. *Day v. Washoe Cnty. Sch. Dist.*, 121 Nev. 387, 389, 116 P.3d 68, 69 (2005). "Substantial evidence exists if a reasonable person could find the evidence adequate to support the agency's conclusion." *Elizondo v. Hood Mach., Inc.*, 129 Nev. 780, 784, 312 P.3d 479, 482 (2013).

Ruvalcaba argues that substantial evidence does not support the hearing officer's conclusion that she abused J.S. because a minor bite mark does not constitute child abuse. Specifically, Ruvalcaba contends the bite mark was "inconsequential and made in the heat of the moment in a domestic violence" incident and that J.S. was not injured or permanently scarred. We disagree. Abuse of a child is defined to include a "[p]hysical or mental injury of a nonaccidental nature . . . caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm." NRS

432B.020(1)(a). “Physical injury” includes a “[p]ermanent or temporary disfigurement” as well as a “puncture or bite.” NRS 432B.090(7), (6). And “disfigurement” includes a mark, welt, or bruise. NAC 432B.024(1).

We conclude that substantial evidence supports the hearing officer’s determination sustaining CCDFS’s substantiation of physical abuse. Ruvalcaba does not dispute that she intentionally bit J.S. during a domestic violence incident with Sanchez. And a bite constitutes physical injury under NRS 432B.090(6). Further, CCDFS presented evidence establishing that the bite mark was still clearly visible several days after the incident, which constitutes a temporary disfigurement under NRS 432B.090(7) and NAC 432B.024(1). *See also Rydell v. Clark Cnty. Dep’t of Fam. Servs.*, No. 69929, 2017 WL 1957099, at \*1-2 (Nev. May 10, 2017) (Order of Affirmance) (concluding that substantial evidence supported a finding of abuse where it was undisputed that three days after a parent slapped their child, the child had a faded bruise that did not exist before the slap, such that the child sustained a physical injury for purposes of NRS 432B.020(1)(a)). Accordingly, we affirm the hearing officer’s decision finding that CCDFS’s abuse allegation was substantiated.<sup>1</sup>

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<sup>1</sup>We conclude Ruvalcaba forfeited the argument that she was engaging in corporal punishment when she bit J.S. because she did not advance this argument before the hearing officer. *State ex rel. State Bd. Of Equalization v. Barta*, 124 Nev. 612, 621, 188 P.3d 1092, 1098 (2008) (stating that arguments not raised before an administrative body in the first instance are waived). And even assuming it was not forfeited, we note that Ruvalcaba never testified she bit J.S. to discipline him but instead testified she bit him because she wanted to free her hands to defend herself from Sanchez.

We likewise affirm the hearing officer's finding that CCDFS properly substantiated an allegation of child neglect. Child abuse or neglect refers to "negligent treatment or maltreatment," NRS 432B.020(1), which is further defined as subjecting the child(ren) "to harmful behavior that is terrorizing, degrading, painful, or emotionally traumatic," NRS 432B.140. Ruvalcaba argues the hearing officer erred in upholding CCDFS's decision because she did not cause a mental injury pursuant to NRS 432B.070. Ruvalcaba further argues substantial evidence does not support the hearing officer's conclusion that the children had been present during domestic violence incidents.

As an initial matter, NRS 432B.020 states that negligent treatment or maltreatment is defined as set forth in NRS 432B.140, not NRS 432B.070. Thus, the issue before us is whether substantial evidence supports the hearing officer's conclusion that by engaging in domestic violence incidents in the children's presence, Ruvalcaba engaged in harmful behavior that was "terrorizing, degrading, painful, or emotionally traumatic." We conclude it does. Although Ruvalcaba argues the evidence of domestic violence constituted only "allegations and insinuations," a review of the record supports the determination. For example, both J.S. and Ruvalcaba testified that J.S. and V.S. were in the bathroom and observed Ruvalcaba engaged in domestic violence against Sanchez and that both were present when Ruvalcaba threw a glass cup, which then shattered in the bathroom. Furthermore, CCDFS's investigation report, which was admitted into evidence, indicated that both Ruvalcaba and Sanchez reported a long history of domestic violence. Similarly, J.S.'s interview

notes indicate that Ruvalcaba was easily prone to breaking things and that he was "tired of it." And the interviews with V.S. and X.S. revealed the children had observed their parents hit each other. Accordingly, we conclude substantial evidence supports the hearing officer's finding that Ruvalcaba neglected all three children by engaging in domestic violence in their presence.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Erika L. Mendoza, District Judge  
Robert W. Lueck, Ltd.  
Clark County District Attorney/Juvenile Division  
Eighth District Court Clerk

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<sup>2</sup>Insofar as Ruvalcaba 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.