

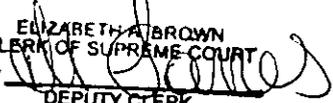
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACOB SOVEY F/K/A JACOB
HERRICK-SOVEY,
Appellant,
vs.
SAMANTHA HERRICK F/K/A
SAMANTHA HERRICK-SOVEY,
Respondent.

No. 89901-COA

FILED

JAN 22 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jacob Sovey appeals from a district court order modifying child support. Second Judicial District Court, Family Division, Washoe County; Aimee Banales, Judge.

Sovey and respondent Samantha Herrick have three minor children together, and Sovey was awarded primary physical custody of the children in a prior proceeding. In 2024, Herrick requested a modification to her existing child support obligation of \$833 per month exclusive of arrears, which was established after the Nevada Division of Welfare and Supportive Services (DWSS) sought child support on Sovey's behalf. For support, Herrick argued that there had been a change in her employment. At the November 2024 hearing concerning modification, Herrick and Sovey were present along with a senior deputy attorney general on behalf of the DWSS. The deputy attorney general represented to the district court that a Sedgwick Claims Management Services verification letter indicated that

Herrick was being paid workers' compensation, and thus her gross monthly income was \$2,130—a decrease from the gross monthly income of \$3,206 that the district court found Herrick received in its prior child support order. The deputy attorney general represented that pursuant to the statutory child support formula set out in NAC 425, Sovey's monthly child support obligation was equal to 26 percent of her earnings, which was \$554. The deputy attorney general also stated that Herrick's arrears were \$21,189.57 and proposed a monthly repayment amount of \$170. Thus, the deputy attorney general recommended that Herrick's total child support obligation be modified to \$724 per month. Sovey was given the opportunity to respond to the deputy attorney general's recommendation regarding the child support and arrears amounts, but he did not provide any argument in response. Thus, the district court ultimately entered an order consistent with the deputy attorney general's recommendation. Sovey now appeals.

On appeal, Sovey challenges the district court's calculation of child support, asserting that the district court improperly reduced Herrick's child support obligation. We review a district court's order regarding child support for an abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996). A district court abuses its discretion when its findings are not supported by substantial evidence, *Miller v. Miller*, 134 Nev. 120, 125, 412 P.3d 1081, 1085 (2018), which is evidence that a reasonable person may accept as adequate to sustain a judgment, *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007).

Here, because Sovey presents claims in his brief that were not previously presented in the proceedings below, they are forfeited and need

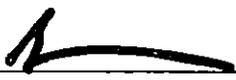
not be considered in the first instance on appeal. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (“A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been [forfeited] and will not be considered on appeal.”). Nevertheless, the record demonstrates that Herrick’s gross monthly income had decreased by more than 20 percent, and thus, the district court appropriately reviewed the request to modify the child support order. *See* NRS 125B.145(4) (stating “a change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child”). Additionally, the Nevada Administrative Code sets forth the formula for determining a parent’s base child support obligation, and the district court followed the correct calculation when determining Herrick’s modified child support amount. *See* NAC 425.140(3) (indicating that for an obligor parent with three children, the base child support obligation equals “the sum of: (a) For the first \$6,000 of an obligor’s monthly gross income, 26 percent of such income”). As the district court determined, Sovey’s monthly child support obligation, exclusive of arrears is \$554, which is 26 percent of her gross monthly income of \$2,130. Insofar as Sovey suggests that the district court failed to follow NRS 125B.070 and NRS 125B.080 in modifying Herrick’s child support obligation, we are not persuaded by this argument because effective February 1, 2020, “courts must now apply the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.620” to establish and modify

child support obligations. *Backman v. Gelbman*, 141 Nev., Adv. Op. 8, 565 P.3d 330, 336 n.6 (Ct. App. 2025) (internal quotation marks omitted).

Furthermore, Sovey fails to provide cogent argument to challenge the district court's child support determination. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that appellate courts need not consider issues that are not supported by cogent argument). Given the foregoing and because the district court correctly applied NAC 425.140(3)'s formula for calculating child support when it determined Herrick's modified child support obligation, we conclude that Sovey fails to demonstrate that the court abused its discretion in its child support determination.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹Insofar as Sovey raises arguments that are not specifically addressed in this order, we have considered the same and conclude they do not present a basis for relief.

cc: Hon. Aimee Banales, District Judge, Family Division
Jacob Sovey
Samantha Herrick
Washoe District Court Clerk