

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PAUL DAVID REYNA,
Appellant,
vs.
HELENA BUKOVSKA REYNA,
Respondent.

No. 90923-COA

FILED

FEB 19 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Paul David Reyna appeals from a district court final order in a family law matter. Eighth Judicial District Court, Family Division, Clark County; Amy Mastin, Judge.

Paul and respondent Helena Bukovska Reyna were married in 2012, and have one child, C.R., who was born in 2012. In January 2024, Paul filed a complaint for divorce and sought joint legal and physical custody of C.R. Helena filed an answer and counterclaim seeking sole legal and physical custody of C.R. based on allegations of substance abuse and concerns about Paul's mental health.

In April 2024, Paul filed a motion for joint legal and physical custody of C.R. In his motion, Paul alleged that he had quit drinking alcohol in January 2022 but that the parties had frequent disagreements due to Helena's drinking. Paul also alleged that Helena had "withheld" C.R. from parenting time with him and that Helena allowed C.R. to sleep in her bed, which Paul believed was unhealthy. Paul contended that following a disagreement between the parties that occurred in December 2023, Paul called the Veterans Affairs (VA) help line and social workers were sent to the house. Paul acknowledged "he was feeling despondent over the marital

issues and Helena's threats she would take [C.R.] away from him" and ended up in a mental health treatment center.

Helena filed an opposition and countermotion for primary physical custody and supervised parenting time alleging that Paul had a severe alcohol problem such that in January 2022 his doctor told him his liver was failing and he needed to quit drinking alcohol to survive. Helena explained that while Paul was consuming alcohol, he was verbally and physically abusive of Helena in front of C.R. Helena further alleged that Paul quit drinking alcohol, "but unfortunately fell straight into marijuana addiction instead," which caused his behavior to get worse. Helena further alleged that Paul's marijuana use and mental health issues impacted his relationship with C.R. Paul filed a response in which he acknowledged that he had been an alcoholic; suffered from the symptoms of post-traumatic stress disorder (PTSD) and attended therapy through the VA; and used marijuana but was "willing to abide by a use restriction if the Court is inclined to order that." The district court initially entered a temporary order providing that Paul's parenting time with C.R. be supervised but later ordered unsupervised parenting time.

In January 2025, the district court conducted a trial. Paul and Helena testified concerning their interactions with each other and their care of C.R. In particular, the parties testified about Paul's mental health issues, his alcohol and marijuana use, and their impact on C.R.'s wellbeing. The parties also testified about Helena's sequestering of C.R. and C.R. sleeping in her bed.

The district court subsequently entered a written divorce decree which included determinations regarding custody. The district court found that Paul was an addict who struggled with his marijuana use. The court

agreed with Helena that Paul substituted one addiction for another. The court also found that, while Paul made meaningful efforts to address his alcoholism, the court was unaware of any addiction treatment that allowed an alcoholic to use other mind-altering substances as long as he does not drink alcohol. With regard to Paul's mental health issues, the district court found that Paul had been diagnosed with PTSD and was actively treating it. The court further found that Paul's addiction issues were of particular concern because of Paul's diagnoses of PTSD. The district court found that Paul was not receiving any psychotropic medications to treat his PTSD and found that he was instead self-medicating with marijuana.

Further, the district court found that Paul did not have a parenting problem that needed to be addressed through therapy but rather most of Helena's concerns regarding Paul's parenting could be remedied by addressing Paul's marijuana addiction. While the district court found that Paul *should* have joint physical custody of C.R., it determined that Paul must first comply with "certain requirements" related to his marijuana use and PTSD diagnosis before joint physical custody was appropriate. In the interim, the district court ordered that Helena would have temporary primary physical custody of C.R.

The district court explained that it would give Paul until the end of C.R.'s school year to address his marijuana addiction and to get psychiatric treatment to properly address his PTSD. The court ordered Paul to get a letter from his psychiatrist that confirmed he was being treated for PTSD and that stated that Paul and his psychiatrist had addressed his marijuana use and other addictions. The letter also needed to inform the court what medication Paul has been prescribed. The district court also ordered Paul to refrain from using marijuana because he "is an

addict” and ordered Paul to submit to drug testing. The district court found it was insufficient to bar Paul’s use of marijuana only “when his son is present because [Paul] is an addict” and that if it were not for Paul’s “alcoholism the Court might have the luxury of making that order, but that is not how it works with addiction.”

The district court also analyzed the NRS 125C.0035(4) best interest factors. As is relevant to the issues presented on appeal, the district court found that with regard to NRS 125C.0035(4)(f) (the mental and physical health of the parents), “that not much evidence or testimony was offered” to address this “other than [Paul]’s marijuana addiction.” The district court found that “[t]o the extent that there is an addict who is still using substances, the Court finds that this factor weighs in favor of [Helena].” The district court also found there was “a degree of enmeshment” between Helena and C.R. that was “a little troubling” and ordered her to stop sleeping in the same bed as C.R. The district court ultimately found that the best interest factors supported its conclusion that there is no reason to deny Paul his request for joint physical custody “and the parties will ultimately get to that point after certain expectations are met,” referring to Paul’s efforts to treat his addictions and mental health issues. The district court also increased Paul’s parenting time with C.R.

Following the entry of the decree, Helena filed a motion related to unresolved issues, including Paul’s ability to obtain joint physical custody of C.R. Helena alleged that Paul had refused to stop using marijuana and smoked it regularly in front of C.R., who did not have his own sleeping space at Paul’s residence, and expressed concern about C.R.’s pervasive exposure to marijuana smoke. Helena also alleged that Paul would argue to the district court that his provider prescribed him marijuana to treat his PTSD

but that any such claim would be doubtful as VA health care providers were prohibited from recommending marijuana or assisting veterans in obtaining it because it remains illegal under federal law.

Paul filed an opposition in which he recognized that he needed mental health treatment and attended therapy sessions through the VA. Paul denied having an alcohol use disorder and explained that he uses marijuana under the care of a physician to treat injuries he incurred from his military service. He explained that he obtained a medical card for marijuana and uses marijuana pursuant to a doctor's supervision. Paul contended that he did not try to hide, deny, or minimize his medical use of marijuana and that he feared using psychotropic drugs due to the risk of overdose associated with them. Because of his marijuana use, he acknowledged that any drug tests he was ordered to provide would be positive. Paul did not provide any drug tests prior to the scheduled status hearing.

Following the status hearing, the district court found that Paul failed to meet the requirements it previously set forth to obtain joint physical custody of C.R. and ordered that the prior custody award, providing Helena with primary physical custody, would not be altered and would remain as the custodial arrangement. In addition, the court found that Paul continued to smoke marijuana during his parenting time with C.R. and ordered Paul not to use marijuana while C.R. was present, in the same room, or in Paul's care. This appeal followed.

Paul challenges the district court's decision to award Helena primary physical custody of C.R. In particular, Paul argues the district court failed to make any findings regarding how Paul's addiction or mental health issues impact C.R.'s best interest. Paul contends the court noted in

the divorce decree the lack of evidence regarding the parents' mental and physical health and should have analyzed why Paul's use of marijuana was detrimental to C.R. rather than assume that it was. Paul also asserts that the district court's failure to make the requisite findings, paired with the fact that the court found Helena had not fostered the relationship with Paul and C.R., and that she was improperly enmeshed with C.R., rendered the court's custody determination an abuse of discretion.

This court reviews district court decisions concerning child custody for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). In reviewing child custody determinations, this court will affirm the district court's factual findings if they are supported by substantial evidence, "which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Id.* at 149, 161 P.3d at 242. When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1); *Davis v. Ewalefo*, 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015). To that end, a district court may "make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest." NRS 125C.0045(1)(a). In reviewing a district court's child custody discretionary determinations, we focus on whether the district court "reached its conclusions for the appropriate [legal] reasons" and whether its factual findings were "supported by substantial evidence." *Ellis*, 123 Nev. at 149, 161 P.3d at 241-42; *see also Sims v. Sims*, 109 Nev. 1146, 1148, 865 P.2d 328, 330 (1993) (stating that this court "must be satisfied that the [district] court's determination was made for the appropriate reasons"). Further, we presume the district court properly exercised its discretion in determining

the child's best interest. *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004).

The NRS 125C.0035(4) best interest factors are non-exhaustive and should be considered along with any other relevant information the district court deems significant. *See Ellis*, 123 Nev. at 152, 161 P.3d at 243. While “[j]oint physical custody is the first [arrangement] a court should consider when deciding custody,” it “may . . . order primary physical custody” if it determines that joint physical custody is not in the child's best interest. *Roe v. Roe*, 139 Nev. 163, 173, 535 P.3d 274, 286 (Ct. App. 2023).

As stated previously, the parties testified during the trial in this matter. Paul testified that he was a retired United States Marine who served in overseas combat deployments and was injured during his military service, which caused him to suffer from chronic back and knee pain and nerve damage in his arm. Paul explained he had been diagnosed with PTSD and engaged in therapy for that issue through the VA. Paul testified that in December 2023, Helena had kept C.R. away from him for multiple days and that his attempt to spend time with C.R. led to Helena calling the police. Paul then called a suicide hotline and at some point, stated that if Helena took C.R. away from him again that he would probably kill himself. Social workers came to the house and Paul went to a “suicide ward” for multiple days. Paul explained that he did not attempt to harm himself but that he had attempted to do so “years and years ago” when he used to drink alcohol. Paul testified that while he had been sober “for years,” he had consumed alcohol heavily during periods of the marriage. He explained that prior to quitting his job in July of 2023, he had been using marijuana on a regular basis and that after he stopped consuming alcohol and quit his job, he started using marijuana daily.

Paul testified that he had a marijuana setup in the house and that he uses marijuana in front of C.R. Paul explained that at one point during their relationship, he and Helena stopped living in the same bedroom with one another. Paul explained that despite having a four-bedroom house, C.R. did not have his own bedroom and instead slept in Helena's bed. Paul testified that at times Helena would occupy the entire upstairs portion of the house with C.R. and would not allow Paul to be up there with C.R. Paul explained that C.R. did not have his own dedicated room until after Helena left the house.

Helena testified about how Paul's use of alcohol and marijuana and his mental health issues affected his behavior and parenting. She explained that Paul stopped drinking alcohol at one point in time but now used marijuana. She explained that he was generous and nice when he was not using marijuana and that he had been a good father when he was sober but was not a good father at that time. Helena testified that she did not believe C.R. was safe emotionally and mentally during Paul's parenting time based on the way Paul treated C.R. Helena acknowledged that C.R. often slept in her bed in the past and still does sometimes even though he has his own bedroom at her current residence.

The district court considered the above information and evidence when evaluating the best interest of C.R. and, in evaluating the NRS 125C.0035(4) best interest factors, made findings that tied Paul's addiction and mental health issues to its ultimate custody decision. *See Davis*, 131 Nev. at 451, 352 P.3d at 1143 (explaining that the proper inquiry is whether the district court adequately "tie[d]" the child's best interest, "as informed by specific, relevant findings" to the ultimate custody determination). Specifically, the court found that Paul was an alcoholic who

was now addicted to marijuana and that this was especially relevant because he also suffered from PTSD. *See* NRS 125C.0035(4)(f). The court acknowledged Helena's concerns regarding Paul's parenting of C.R., which were related to Paul's marijuana use and sobriety in C.R.'s presence, but found that they could be remedied by addressing Paul's marijuana addiction. Further, the district court heard evidence that C.R. had expressed concern about Paul smoking marijuana in his presence and failed to stop doing so even after the district court ordered Paul to refrain from using marijuana so as to facilitate Paul's joint physical custody of C.R. In addition, the district court found that Helena was better suited to help C.R. with his physical, developmental, and emotional needs and that C.R. has a greater comfort level with Helena. *See* NRS 125C.0035(4)(g), (h).

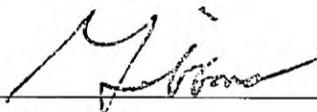
While the district court found that C.R.'s sleeping arrangements with Helena were not appropriate and that Helena did not foster C.R.'s relationship with Paul, *see* NRS 125C.0035(4)(c), the court explained that Paul's marijuana use and his failure to appropriately address his addiction-related issues outweighed any of its concerns about Helena, *see Ellis*, 123 Nev. at 152, 161 P.3d at 243. And, in light of Paul's continued use of marijuana, including doing so in C.R.'s presence, the district court ultimately determined it was in C.R.'s best interest to award primary physical custody to Helena.

The aforementioned factual findings made in support of these determinations are supported by substantial evidence in the record. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. And while Paul challenges the district court's determinations and asserts the court should have focused on evidence that was favorable to him, this court is not at liberty to reweigh the evidence or the district court's credibility determinations. *See Grosjean*

v. Imperial Palace, Inc., 125 Nev. 349, 365-66, 212 P.3d 1068, 1080 (2009). In light of the foregoing, we conclude the district court made sufficient findings regarding how Paul's addiction and mental health issues affected the best interest of C.R. Therefore, Paul fails to demonstrate the district court abused its discretion by awarding primary physical custody to Helena. See *Ellis*, 123 Nev. at 149, 161 P.3d at 241. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Amy Mastin, District Judge, Family Division
Pecos Law Group
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Eighth District Court Clerk