

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LOGAN FONDREN,  
Appellant,  
vs.  
VANESSA LOPEZ AND WASHOE  
COUNTY DISTRICT ATTORNEY'S  
OFFICE, FAMILY SUPPORT  
DIVISION,  
Respondents.

No. 90575-COA

**FILED**

MAR 04 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Michael J. Jones*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Logan Fondren appeals from a district court order modifying child support. Second Judicial District Court, Washoe County; Chuck Weller, Senior Judge.

Logan and respondent Vanessa Lopez were married in January 2008, and have one minor child who was born in January 2009. Logan and Vanessa filed a joint petition for summary divorce with a child custody, support, and property settlement agreement in March 2010. The district court entered the divorce decree that same month and ratified their child custody, support, and property settlement agreement. It awarded both parents joint legal custody and provided Vanessa with primary physical custody. The court further adopted the agreement's calculation that Logan pay \$747 per month representing child support and half of their child's health care costs. This amount was based on the calculation that Logan earned \$3,750 a month.

In January 2025, Vanessa, with the assistance of respondent Washoe County District Attorney's Office, Family Support Division, moved

for a three-year review and modification of child support. See NRS 125B.145(1). The district attorney's office also filed a notice of proposed exhibits which included: the custodian financial audit, NVKIDS audit, and financial disclosure forms for both Logan and Vanessa.

Logan's financial disclosure form indicated his gross monthly income was \$9,550.06 (\$7,770.06 in base salary and \$1,780 in commissions). Logan indicated that he had \$10,331.83 in household expenses and debt payments, of which \$6,151 was spent on his mortgage payment. He acknowledged that his current wife contributed \$5,000 a month to their household. On the form, Logan listed three children with whom he resided, who were not from his relationship with Vanessa. He estimated that he spent \$491 per month on these children. He also acknowledged \$1,291.47 in deductions per month.

The district court conducted a remote evidentiary hearing during which both Logan and Vanessa appeared. After which, the district court issued a written order in which it determined that Logan had a gross monthly income of \$11,032. Applying NAC 425.140(1)—the sum of 16% of the first 6,000 of income, 8% of the income up to 10,000, and 4% of the income thereafter—the district court found Logan obligated to pay \$1,268 per month in child support. See NAC 425.140(1). The district court reached that amount through the aforementioned calculation, which it determined to be \$1,321, but also included \$97 for health insurance for the child and subtracted \$150 because Logan was responsible for supporting another minor child. This appeal followed.

On appeal, Logan challenges the support award and contends that the district court failed to account for the disparity in cost of living between California where Logan resides and Nevada where Vanessa and

their child reside. He also contends that the district court did not account for his financial responsibilities to his other children. He asserted that the failure to account for these issues violated his right to a fair hearing.

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). "Modification is appropriate if there has been a factual or legal change in circumstances since the district court entered the support order." *Rivero v. Rivero*, 125 Nev. 410, 433, 216 P.3d 213, 229 (2009), *overruled in part on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 404-05, 535 P.3d 1167, 1171 (2023); *see also* NRS 125B.145(4) (explaining "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"). Upon a finding of such a change, the court has discretion to modify the order in accordance with "the guidelines created by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services." *Backman v. Gelbman*, 141 Nev., Adv. Op. 8, 565 P.3d 330, 336 (Ct. App. 2025); *see also* NRS 125B.145(2)(b).

A child support order "must be based on the obligor's earnings, income and other evidence of ability to pay" and there is a rebuttable

presumption that the basic needs of the child are met by the support guidelines established by NAC Chapter 425. NAC 425.100(1), (2). If the district court decides to deviate from the guidelines, it must set forth findings to support the adjustment. NAC 425.100(3). A district court may order a downward adjustment from the set amount at its discretion, and one of the factors a court may consider when weighing a downward adjustment is whether a party has the legal responsibility for the support of others. NAC 425.150(l)(b). The court may also consider “[t]he relative income of both households,” “[a]ny other necessary expenses for the benefit of the child,” and “[t]he obligor’s ability to pay.” NAC 425.150(1)(f), (g), (h). In addition, “[t]he court must consider the reasonable costs of child care paid by either or both parties and make an equitable division thereof.” NAC 425.130.

Logan does not challenge the accuracy of the district court’s child support calculation and does not assert there were no changes in circumstances since entry of the prior support award. *See Palmieri v. Clark County*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (stating that issues that are not raised on appeal are deemed forfeited). Instead, he asserts that the district court did not take into account his higher cost of living and his obligation to his other children. However, the portions of the record available to us do not support this argument. The record contains the pre-hearing filings which included Logan’s financial disclosure form in which he acknowledged his mortgage payment, living costs, and costs associated with his other children. The district court’s order stated that it considered all of the evidence presented to it and Logan thus does not demonstrate the district court failed to consider the aforementioned information when it determined the appropriate support

award. And, as explained previously, the district court specifically considered whether Logan supported other children when evaluating the appropriate child support award in this matter, and determined that he financially supported one other child.<sup>1</sup> Logan does not demonstrate the district court's findings are not supported by substantial evidence. See *Miller*, 134 Nev. at 125, 412 P.3d at 1085. While Logan contends the district court failed to properly evaluate and weigh the evidence, this court will not second guess a district court's resolution of factual issues involving conflicting evidence. See *Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 366, 212 P.3d 1068, 1080 (2009).

To the extent Logan asserts he presented additional information at the relevant evidentiary hearing and that information was not considered by the district court in reaching its decision concerning child support, Logan failed to properly file a transcript request form and have the transcript prepared and filed in his appeal.<sup>2</sup> Thus, Logan failed to provide

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<sup>1</sup>The district court's order found that Logan had the legal responsibility of one other minor child. While Logan argues on appeal that the district court generally did not account for his financial responsibility to care for other children, he does not specifically argue on appeal that the district court erred in its conclusion regarding the number of *minor* children for which he was legally responsible. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (stating that issues not raised on appeal are deemed forfeited). Moreover, as noted below, because Logan failed to ensure a transcript of the evidentiary hearing was transmitted to this court, we necessarily presume that it supports the district court's decision. *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007).

<sup>2</sup>We note the supreme court issued notices to Logan in which it instructed him that appellants who have not been granted in forma pauperis status and have requested a transcript "must file a copy of the transcript in this court" and cited specifically to NRAP 9.

this court with a copy of the evidentiary hearing transcript or otherwise act to ensure this court received a copy of the transcript. *See* NRAP 9(a)(1), (7) (requiring appellants to request transcripts of district court proceedings that are necessary for consideration of the appeal and to provide certified copies of the transcripts). Because Logan did not provide this court with the transcript of the evidentiary hearing, we necessarily presume that the transcript supports the district court's decisions. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (noting that it is appellant's burden to ensure that a proper appellate record is prepared and that, if the appellant fails to do so, "we necessarily presume that the missing [documents] support[ ] the district court's decision"). Indeed, without a copy of the relevant transcript, we are unable to meaningfully review any arguments Logan may have concerning information presented at the relevant evidentiary hearing and any impact that information may have had on the modification of his child support obligation. Accordingly, we conclude Logan failed to demonstrate that the district court abused its discretion in granting Vanessa's request to modify the child support order. *See Wallace*, 112 Nev. at 1019, 922 P.2d at 543.

Finally, Logan argues that the district court lacked impartiality and failed to ensure fairness. We conclude that relief is unwarranted on this point because Logan has not demonstrated that the court's decisions in the underlying case were based on knowledge acquired outside of the proceedings and its decisions did not otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is

unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings, which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); see *In re Petition to Recall Dunleavy*, 104 Nev. 784, 789-90, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally “do not establish legally cognizable grounds for disqualification”); see also *Rivero*, 125 Nev. at 439, 216 P.3d at 233 (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification).

Moreover, Logan fails to demonstrate this is one of the exceedingly rare cases where reassignment is necessary to preserve public confidence and trust in the fairness of a judicial proceeding. Therefore, we conclude that Logan is not entitled to relief based on this argument.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Chief Judge, Second Judicial District Court  
Hon. Chuck Weller, Senior Judge  
Logan Fondren  
Vanessa Lopez  
Washoe County District Attorney/Civil Division  
Washoe District Court Clerk