

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEREMIAH JONES,
Appellant,
vs.
LARAE BEALE,
Respondent.

No. 90243-COA

FILED

MAR 12 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

*ORDER DISMISSING IN PART, AFFIRMING IN PART,
VACATING IN PART AND REMANDING*

Jeremiah Jones appeals from a district court decree of divorce. Eighth Judicial District Court, Clark County; Mari D. Parlade, Judge.

Jones and respondent Larae Beale married in 2009 and share two minor children together: Z.J. (born November 2008) and H.J. (born May 2013). In 2023, Beale filed a complaint for divorce seeking joint legal and primary physical custody. Jones filed an answer and counterclaim, seeking joint legal and primary physical custody of the children. The district court then entered a temporary child custody and support order awarding Beale temporary primary physical custody with Jones receiving parenting time with the children every other weekend from Friday at school pickup to Sunday at 6:00 p.m. The court also ordered the parties to present the children for child interviews at the Family Mediation Center.

During a January 2024 hearing, the district court noted that it had reviewed the results of the child interview reports and subsequently ordered the parties to temporarily exercise joint physical custody of H.J., while Beale would continue to have temporary primary physical custody of Z.J. The court further found that Z.J. would have teenage discretion regarding parenting time with Jones provided Z.J. engaged in a good-faith

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attempt at attending reunification therapy with Jones. The court also set the matter for an evidentiary hearing on all issues in the divorce, including child custody, child support, child support arrears, division of assets and debts, alimony, and attorney fees. In June 2024, Jones filed a motion for an order to show cause, alleging that Beale withheld the children from him by taking them to New York for four weeks. The court entered an order on June 11 for both parties to appear in person at a hearing on the matter on July 9. However, Beale did not appear in person for the show-cause hearing on July 9, with her counsel appearing on her behalf. Beale's counsel asserted that prior to Beale leaving for the trip, Jones sent messages, made comments, and canceled appointments, which Beale inferred indicated that he was agreeable to her taking the children on this trip. The district court determined that the contempt issue would be addressed at the evidentiary hearing.

Thereafter, in August 2024, the district court held an evidentiary hearing to resolve the issues pending in the divorce. At the beginning of the evidentiary hearing, the parties stated on the record that they agreed to continue to exercise joint legal custody and joint physical custody of H.J. but disagreed as to the parenting time schedule. The parties also stated that they agreed to Beale having primary physical custody of Z.J. subject to Z.J.'s reasonable teenage discretion as to parenting time with Jones. Although there was initial discussion about the parties exercising joint legal custody as to Z.J., Beale requested to have sole legal custody of Z.J. During Beale's testimony, she described her concerns as to Jones' parenting, given that she has historically been the children's primary caregiver. She also testified that the children are fearful of Jones when he has been under the influence of alcohol and due to his angry outbursts.

With respect to Jones' request that Beale be held in contempt for taking the children to New York, she testified that she honestly believed that Jones had consented to the trip and that she attempted to resolve the matter once Jones filed his motion to hold her in contempt. Beale further testified that her counsel had advised that they would appear and represent her at the July 9 hearing and that she did not need to appear.

During Jones' testimony, he acknowledged he had a drinking problem but stated that he had been sober for over two years. Jones testified that he believed that Beale had a different parenting style than him and undermined his parental authority. He believed that Beale lacked structure for the minor children. He further testified that Beale would infringe on his parenting time. Jones also testified that over his objection, Beale booked flights for the minor children for the month-long trip to New York. At the conclusion of the evidentiary hearing, the district court directed the parties to submit written closing briefs and took the matter under advisement.

Subsequently, in February 2025, the district court entered its decree of divorce. The court found it was in the children's best interest for Beale to have modified legal custody, wherein she would communicate all information regarding the children to Jones, but she did not need to seek his permission or approval to make any legal decisions as to the children's health, education, and welfare. The court found that Beale demonstrated that she is able to meet the needs of the children, while Jones inflicts conflict into their coparenting relationship.

The district court next turned to physical custody, addressing the NRS 125C.0035(4) best interest factors. Most notably, the court found that Jones is unable to control his impulses and manage his outbursts,

attempts to exert power and control over the children to their detriment, and has a history of parental abuse. The court further found that Beale and the children do not feel comfortable living with Jones, that his relationship with the children is strained, and that he disregards the impact of his behavior on the children. Based on those findings, the court found that it was not in the children's best interest for Jones to have primary or joint physical custody. The court further found that it was in the children's best interest for Beale to have sole physical custody, which was the least restrictive alternative to ensure the emotional safety of the children. The court also found it was not in the children's best interest to reside with Jones absent therapeutic intervention. The court noted that if the children desire to have time with Jones, they may do so with him in a public place for a limited period of time not to exceed eight hours until reunification therapy is complete.

The district court declined to hold Beale in contempt, finding that Jones knew as early as April 2024 about Beale's request to take the children on their annual trip to New York. The court further found Beale's testimony credible that she believed that Jones had consented to the trip, that she attempted to resolve the matter, and that she had not appeared at the July 9 show-cause hearing due to her counsel appearing on her behalf. Lastly, the court made orders as to child support and child support arrears, alimony, division of assets and debts, and attorney fees. With respect to child support arrears, the district court reserved jurisdiction to resolve the issue and the court ordered Beale to file a schedule of child support arrears

because Beale sought constructive child support dating back to the filing of the complaint. Jones appeals from the district court's divorce decree.¹

To the extent Jones seeks in this appeal to challenge the totality of the divorce decree that has been entered, the divorce decree is not appealable as a final judgment, *see* NRAP 3A(b)(1), because it did not finally resolve the issue of child support arrears, *see Lee v. GNLV Corp.*, 116 Nev. 424, 427-28, 996 P.2d 416, 418 (2000). Nevertheless, this court has jurisdiction to consider “[a] final order that did not arise in a juvenile court and that pertains to child custody,” NRAP 3A(b)(7), and because the decree finally resolves the issue of legal and physical custody, we may consider Jones’ arguments insofar as they challenge the propriety of the decree’s child custody determination. Likewise, this court can also review the contempt decision in the context of Jones’ appeal from the final custody determination. *See Vaile v. Vaile*, 133 Nev. 213, 217, 396 P.3d 791, 794-95 (2017) (explaining that, while orders of contempt are not appealable, this court has jurisdiction to review contempt findings when included in an order that is otherwise independently appealable). Although Jones raises numerous other arguments to challenge the district court’s decree with respect to child support and child support arrears, alimony, the division of the parties’ property and debts, and attorney fees, these issues are not reviewable in the context of this appeal. Thus, we limit our consideration

¹Although Jones’ notice of appeal also indicated an intent to challenge a subsequent amended order issued after a January 2025 hearing, he does not present any argument concerning this order in his opening or reply briefs. Accordingly, we do not address this order. *See Ozawa v. Vision Airlines, Inc.*, 125 Nev. 556, 559 n.1, 216 P.3d 788, 790 n.1 (2009) (reasoning that an appellant abandoned any challenge to an order designated in a notice of appeal by failing to address the order in its opening and reply briefs).

to the portions of Jones' appeal challenging the custody determination and dismiss all other aspects of the appeal for lack of jurisdiction.

We now turn to Jones' challenges to child custody. Jones argues that the district court abused its discretion in awarding Beale sole physical custody because the district court disregarded the parties' in-court stipulation and asserts that the award lacked sufficient findings and was not supported by substantial evidence. He also asserts that the court's award of sole physical custody constrains his relationship with the children as his parenting time is restricted to only therapeutic time with the minor children. Conversely, Beale asserts that the district court properly exercised its discretion in awarding sole physical custody and the custody determination was supported by substantial evidence.

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). When evaluating the children's best interest, the district court must consider all twelve factors set forth in NRS 125C.0035(4), and a written custody decree must contain findings regarding those factors and tie the findings to the ultimate custody determination. *Davis v. Ewalefo*, 131 Nev. 445, 450-51, 352 P.3d 1139, 1143 (2015). We presume the district court properly exercised its discretion in determining the children's best interest. *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004). In reviewing a district court's child custody 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." *Id.* 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 we "must be satisfied that the [district] court's determination was made for

the appropriate reasons”). Substantial evidence is evidence that a reasonable person may accept as adequate to sustain the judgment. *Ellis*, 123 Nev. at 149, 161 P.3d at 242. However, “deference is not owed to legal error, or to findings so conclusory they may mask legal error.” *Davis*, 131 Nev. at 450, 352 P.3d at 1142 (internal citations omitted).

Sole physical custody is where “the child resides with only one parent and the noncustodial parent’s parenting time is restricted to no significant in-person parenting time.” *Roe v. Roe*, 139 Nev. 163, 164, 535 P.3d 274, 280 (Ct. App. 2023). “Sole physical custody is different than primary or joint physical custody because sole physical custody conflicts with this state’s general policy for courts to support ‘frequent associations and a continuing relationship’ between parent and child.” *Id.* (quoting NRS 125C.001(1)). “[S]ole physical custody orders substantially impede the fundamental parental rights of the noncustodial parent.” *Id.* Examples of a sole physical custody arrangement are when a district court issues orders “that limit[] parenting time to restrictive supervised parenting time, virtual contact, phone calls, letters, texts, a very limited block of hours on a single day of the week, or a similarly restraining parenting time arrangement.” *Id.* at 174, 535 P.3d at 287. “[A] sole physical custody order [results in] the severe restriction on the noncustodial parent’s care, custody, and control of their child [and] requires additional findings and procedure as compared to entry of a joint or primary physical custody order.” *Id.*

This court has explained that district courts must make specific written findings beyond the statutory best interest factors to support the entry of an order granting one parent sole physical custody. *Id.* at 175, 535 P.3d at 288. An entry of sole physical custody requires, among other things, that courts make specific findings either that the noncustodial parent is

unfit for the children to live with or that awarding primary physical custody to one parent, thereby allowing significant parenting time with the noncustodial parent, is not in the children's best interest. *Id.* Further, after making these express, written findings supporting sole physical custody, *Roe* requires district courts to consider the least restrictive parenting time arrangement possible that is in the children's best interest and, if less restrictive alternatives to what the court adopts are proposed or considered, the court "must provide an explanation as to how the best interest of the child[ren] is served by the greater restriction[s]." *Id.* at 176, 535 P.3d at 288.

Here, the district court underwent an extensive NRS 125C.0035(4) best interest analysis in support of its award of sole physical custody to Beale, finding that the best interest factors favored Beale. The court stated that it found, based on its NRS 125C.0035(4) best interest analysis, that it was not in the minor children's best interest for Jones to have primary or joint physical custody. The court further found that it was in the children's best interest for Beale to have sole physical custody, which was the least restrictive alternative to ensure the emotional safety of the children. As noted above, given the district court's extensive best interest findings, which repeatedly emphasized that the children were fearful of Jones due to his angry outbursts and exertion of control over them and Beale, and the court's concerns as to the children's emotional safety, while not separately stated as justification for sole physical custody as required by *Roe*, the district court's order nonetheless contains sufficient findings supporting its decision to award Beale sole physical custody. *See Roe*, 139 Nev. at 174-76, 535 P.3d at 287-88. And because those findings were supported by substantial evidence, *see Ellis*, 123 Nev. at 149, 161 P.3d at

242, we conclude the district court did not abuse its discretion by awarding Beale sole physical custody of the children.²

However, as this court noted in *Roe*, after explaining its reasons why primary physical custody is not in the best interest of the children necessitating an award of sole physical custody, the district court must “then order the least restrictive parenting time arrangement possible that is within the [children’s] best interest.” *Roe*, 139 Nev. at 176, 535 P.3d at 288. With respect to Z.J., we note that at the evidentiary hearing, Jones agreed that his parenting time with Z.J. would consist of “reasonable exercise of teenage discretion to be coordinated” between Z.J. and Jones. And while Jones suggests on appeal that the district court’s award of sole physical custody constrained his relationship with the children as his parenting time is restricted to only therapeutic time, we are not persuaded by this argument as to Z.J. Ultimately, the decree allows Jones to have parenting time with Z.J., if Z.J. desires, in a public place for a limited period of time not to exceed eight hours until reunification therapy is complete. Given that Jones failed to request a specific schedule of parenting time with Z.J. and conceded at the evidentiary hearing that his time with Z.J. would consist of “reasonable exercise of teenage discretion,” the district court effectively awarded him parenting time consistent with his request such

²Jones argues that the district court disregarded the party’s stipulation to joint physical custody as to H.J. at the evidentiary hearing, and thus, abused its discretion in awarding Beale sole physical custody. However, we are not persuaded by this argument. Regardless of any purported agreement between the parties, pursuant to NRS 125C.0045(1)(a), the district court may make any “order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest” during any stage of the proceeding, and Jones has not argued that he relied upon the stipulation to his detriment.

that he has not demonstrated that he was prejudiced by the court's decision. *See Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (explaining that, to establish an error is not harmless and reversal is warranted, "the movant must show that the error affects the party's substantial rights so that, but for the alleged error, a different result might reasonably have been reached"); *cf.* NRCP 61 ("At every stage of the proceeding, the court must disregard all errors and defects that do not affect any party's substantial rights."). Thus, Jones has failed to demonstrate that the district court abused its discretion in its restriction of Jones' parenting time with Z.J. under the sole physical custody arrangement.

However, with respect to H.J., there is nothing in the record to suggest the district court considered whether there were any less restrictive parenting time arrangements available than the arrangement adopted. *See Roe*, 139 Nev. at 164, 535 P.3d at 281 (explaining that the "district court must consider the least restrictive parenting time arrangement possible to avoid constraining the parent-child relationship any more than is necessary to prevent potential harm caused by an unfit parent and meet the best interest of the child"). Although the court summarily found in its written order that reunification therapy was the least restrictive alternative, there are no findings in the court's order concerning why other arrangements such as regular supervised parenting time or video calls were not feasible. Given the lack of written findings from the district court on this point, this court cannot discern whether the district court properly evaluated less restrictive alternatives before limiting Jones' parenting time with H.J. to reunification therapy and, if H.J. requests, parenting time with Jones in a public place for a limited period of time not to exceed eight hours. *See Davis*, 131 Nev. at 450, 352 P.3d at 1142 ("Although this court reviews a district

court's discretionary determinations deferentially, deference is not owed to legal error, or to findings so conclusory they may mask legal error." (internal citations omitted)). And although Jones conceded at the evidentiary hearing that his parenting time with Z.J., who is currently 17-years-old, would consist of "reasonable exercise of teenage discretion," teenage discretion was not contemplated as to H.J., who is currently 12-years-old.

Accordingly, we conclude that while the district court did not abuse its discretion in its decision to award Beale sole physical custody of H.J., the district court failed to consider a less restrictive parenting time arrangement. *See Roe*, 139 Nev. at 175-76, 535 P.3d at 288. Therefore, to summarize, we affirm the district court's decision to award Beale sole physical custody of both children, but vacate the parenting time allocation as to H.J. only and direct the district court, on remand, to enter a parenting time order consistent with Nevada jurisprudence and this order.³

Jones also argues that the district court abused its discretion by awarding Beale modified legal custody of the children when the parties had agreed to exercise joint legal custody. Beale asserts the district court's determination was supported by substantial evidence.

This court reviews district court decisions concerning legal custody for an abuse of discretion. *Ellis*, 123 Nev. at 149, 161 P.3d at 241; *Mack-Manley v. Manley*, 122 Nev. 849, 857, 138 P.3d 525, 531 (2006) (reviewing a district court's decision to modify legal custody for an abuse of discretion). "Legal custody involves having basic legal responsibility for a

³Pending further proceedings on remand, we leave in place the current custody order. *See Davis*, 131 Nev. at 455, 352 P.3d at 1146 (leaving certain provisions of a custody order in place pending further proceedings on remand).

child and making major decisions regarding the child, including the child's health, education, and religious upbringing." *Rivero v. Rivero*, 125 Nev. 410, 420, 216 P.3d 213, 221 (2009), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022). There is a statutory presumption that joint legal custody would be in the best interest of the children when certain conditions are met. NRS 125C.002(l)(a). However, this presumption is overcome when the district court finds that the parents are unable to communicate, cooperate, and compromise in the best interest of the children. *See Rivero*, 125 Nev. at 420, 216 P.3d at 221.

Here, the district court awarded Beale modified legal custody, granting her authority to make all decisions concerning the children's health, education, and welfare, so long as Beale provided Jones with written notice of her intention to make a decision. The court considered and evaluated the evidence and found that the evidence demonstrated that Beale meets the children's emotional, physical, psychological, developmental, and educational needs, while Jones has inflicted conflict into the coparenting relationship. The court further found that Jones is more focused on fighting with Beale even if it means subjecting the children to harm. While not mandatory when evaluating legal custody, the court also found that NRS 125C.0035(4) factors (a), (c), (g), (h) and (k) favored awarding Beale modified legal custody.⁴ In light of the aforementioned

⁴Insofar as Jones asserts the court improperly disregarded the party's stipulation as to joint legal custody, we are likewise not persuaded by this argument. We note that while the parties had initially discussed agreeing to joint legal custody, Beale later requested that she be granted sole legal custody of Z.J. at the evidentiary hearing, and the district court ultimately awarded modified legal custody. Further, Jones' assertion regarding a stipulation fails to establish a basis for relief as to both children for the same reason as discussed at *supra* note 2.

circumstances, we discern no abuse of discretion by the court in awarding Beale modified legal custody. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241; *Mack-Manley*, 122 Nev. at 858, 138 P.3d at 531. Therefore, we conclude that Jones is not entitled to relief based on this argument.

Furthermore, Jones argues that the district court abused its discretion by declining to find Beale in contempt. We disagree. “Whether a person is guilty of contempt is generally within the particular knowledge of the district court, and the district court’s order should not lightly be overturned.” *Detwiler v. Eighth Jud. Dist. Ct.*, 137 Nev. 202, 206, 486 P.3d 710, 715 (2021). Accordingly, this court “normally review[s] an order of contempt for abuse of discretion.” *Lewis v. Lewis*, 132 Nev. 453, 456, 373 P.3d 878, 880 (2016). Here, the district court evaluated Jones’ motion and the evidence presented at the evidentiary hearing and found that Jones knew as early as April 2024 about Beale’s request to take the minor children on an annual New York trip and that Jones asked Beale to send him the dates, which she construed as permission to book the flights and send the airline itinerary, which she did. The district court found Beale’s testimony was credible that she honestly believed that Jones had consented to the trip and that she attempted to resolve the matter once Jones filed his emergency motion to hold her in contempt. The court also found her testimony credible as to her counsel appearing at the show-cause hearing on her behalf. While Jones disagrees with the district court’s findings, this court is not at liberty to reweigh the evidence or the district court’s credibility determinations on appeal. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 366, 212 P.3d 1068, 1080 (2009). Accordingly, we discern no abuse of discretion in the court’s decision to deny Jones’ request to hold Beale in contempt, and

therefore we affirm this portion of the district court's decree. *See Detwiler*, 137 Nev. at 206, 486 P.3d at 715.

Accordingly, we

ORDER the appeal DISMISSED IN PART and order the judgment of the district court related to the final child custody decisions AFFIRMED IN PART AND VACATED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Mari D. Parlade, District Judge
McFarling Cohen Fic & Squires
Larae Beale
Eighth District Court Clerk