IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WENDY ROWLAND,
Appellant,
vs.
BARRY YZAGUIRRE,
Respondent.

No. 91568-COA

FILED

MAY 13 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Wendy Rowland appeals from a district court order denying a motion to modify a child custody order. Second Judicial District Court, Family Division, Washoe County; Sandra A. Unsworth, Judge.

Rowland and respondent Barry Yzaguirre have one minor child in common, born in 2010. In 2023, the district court entered a custody decree in which it found, among other things, that Rowland had been convicted of an offense of child abuse and neglect involving the child and permitted an ex-boyfriend to harm the child. For those reasons, the court found she committed acts of domestic violence against the child. The court noted Yzaguirre had been abusive of Rowland when she was pregnant with the child, but that such acts were of less weight as they did not compare to the domestic violence committed by Rowland against the child. The district court also found that there was clear and convincing evidence that Rowland abducted the child such that it was necessary to enter a custody arrangement that protected the child from again suffering from abduction. The court accordingly awarded Yzaguirre primary physical custody of the

26-21876

child and directed the child to relocate to Illinois with Yzaguirre. The district court also provided Rowland with supervised video calls with the child.

Rowland thereafter filed requests to modify custody, and this court affirmed the district court's decision to deny her motions. *See Rowland v. Yzaguirre*, No. 88386-COA, 2024 WL 4441264 (Nev. Ct. App. Oct. 7, 2024) (Order Affirming in Part and Dismissing in Part). After additional proceedings, in March 2025, the district court modified the custodial arrangement to allow Rowland to engage in supervised parenting time with the child in Illinois and to allow Rowland's other children to participate in supervised video calls with the child.

Rowland subsequently filed the instant motion to modify the custody arrangement, arguing that a recently enacted law, SB 275, required the district court to again consider the allegations of domestic violence. Rowland also asserted that SB 275 did not permit a district court to remove a child from the custody of a parent who is capable and protective of the child for the purpose of improving the deficient relationship between a child and the other parent. In light of the foregoing, Rowland sought modification of the custody arrangement to allow for unsupervised parenting time and to permit the child to spend time with her in Nevada. Yzaguirre opposed the motion and Rowland replied. The district court later entered a written order denying Rowland's motion without conducting an evidentiary hearing. This appeal followed.

First, Rowland argues the district court abused its discretion by denying her motion to modify custody. Rowland contends that, consistent

with SB 275, the court should have again considered the allegations of domestic violence, as she asserts Yzaguirre's acts were worse than hers. Rowland also contends that SB 275 would have barred the district court from removing the child from her custody for the purpose of improving the relationship between the child and Yzaguirre.

This court reviews the denial of a motion to modify custody without an evidentiary hearing for abuse of discretion. *Myers v. Haskins*, 138 Nev. 553, 556, 513 P.3d 527, 531 (Ct. App. 2022); *see also Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) ("A court decision regarding [parenting time] is a custody determination." (internal quotation marks omitted)). A court abuses its discretion if "no reasonable judge could reach a similar conclusion under the same circumstances." *Leavitt v. Siems*, 130 Nev. 503, 509, 330 P.3d 1, 5 (2014).

When a movant seeks to modify physical custody, a district court must hold an evidentiary hearing if the movant demonstrates "adequate cause" for one. *Rooney v. Rooney*, 109 Nev. 540, 542, 853 P.2d 123, 124 (1993). "Adequate cause" arises if the movant demonstrates a prima facie case for modification. *Id.* at 543, 853 P.2d at 125. A prima facie case requires that the movant demonstrate that "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the child's best interest is served by the modification." *Romano v. Romano*, 138 Nev. 1, 3, 501 P.3d 980, 982 (2022) (internal quotation marks omitted), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 535 P.3d 1167 (2023). The changed-circumstances prong of the foregoing test "is based on the principle of res judicata and

prevents persons dissatisfied with custody decrees [from filing] immediate, repetitive, serial motions until the right circumstances or the right judge allows them to achieve a different result, based on essentially the same facts." *Ellis v. Carucci*, 123 Nev. 145, 151, 161 P.3d 239, 243 (2007) (alteration in original) (internal quotation marks omitted). We note that "demonstrating a prima facie case for modification is a heavy burden." *Myers*, 138 Nev. at 560, 513 P.3d at 534 (internal quotation marks and emphasis omitted).

SB 275, as enacted, provides in relevant part that a district court during a child custody proceeding shall not "remove the child from a parent . . . or restrict contact between the child and a parent" when those actions are taken "for the sole purpose of improving a deficient relationship between a child and the other parent of the child." 2025 Nev. Stat., ch. 414, § 5, at 2657-58. In addition, SB 275, as enacted, provides that "[t]he court shall, in making any finding relating to an allegation of domestic violence or child abuse, consider all relevant and admissible evidence of past domestic violence or child abuse committed by the parent who is the subject of the allegation . . . ." 2025 Nev. Stat., ch. 414, § 6, at 2658.

In denying Rowland's motion, the district court determined that her motion was based on a recently enacted statute and not upon an allegation of a substantial change in circumstances affecting the welfare of the child. The court further determined that SB 275 does not affect the custody arrangement in this matter, as the court considered allegations of acts of domestic violence by both parties when it reached the decisions contained within the custody decree. The district court also determined

that the custody arrangement was not made for the sole purpose of improving the relationship of the child and Yzaguirre, but rather was made in consideration of other factors, including Rowland's physical abuse and abduction of the child.[1]

Rowland challenges the district court's decisions, contending that renewed consideration of the allegations of domestic violence would result in a different custodial arrangement. However, Rowland did exactly what the changed-circumstances prong is designed to prevent, as she sought modification based upon factual allegations that were already considered by the district court in the custody decree. *See Ellis*, 123 Nev. at 151, 161 P.3d at 243; *Nance v. Ferraro*, 134 Nev. 152, 160, 418 P.3d 679, 686 (Ct. App. 2018) (explaining that "a party generally cannot relitigate prior instances of domestic violence the court has previously addressed and decided"). Rowland thus failed to establish a substantial change in circumstances affecting the welfare of the child. *See Romano*, 138 Nev. at 5, 501 P.3d at 983.

---

[1]Rowland also contends that the district court should not have admonished her by stating her future court filings "must be grounded in fact and applicable law," as she should not be limited in pursuing the child's best interest. However, "[i]t is well established that district courts enjoy inherent powers to control proceedings before them" which includes the discretion "to fashion an appropriate sanction for conduct which abuses the judicial process." *State v. Desavio*, 141 Nev., Adv. Op. 25, 568 P.3d 897, 902 (2025) (internal quotation marks omitted). And we determine Rowland does not demonstrate that the district court's admonishment to seek relief based on fact and applicable law amounted to an abuse of discretion. *See Leavitt*, 130 Nev. at 509, 330 P.3d at 5.

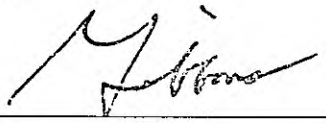
In addition, we conclude Rowland does not demonstrate that the district court abused its discretion by determining that SB 275 did not affect the current custody arrangement in this matter, as she fails to demonstrate that no reasonable judge would have reached a similar conclusion under the circumstances in this matter. *See Leavitt*, 130 Nev. at 509, 330 P.3d at 5. In light of the foregoing, we conclude Rowland fails to demonstrate the district court abused its discretion by denying her motion to modify custody. *See Myers*, 138 Nev. at 556, 513 P.3d at 531.

Second, Rowland argues that the district court was biased against her. We conclude that relief is unwarranted on this point because Rowland 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 and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); *see In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 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 v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual

grounds for disqualification), *overruled on other grounds by Romano*, 138 Nev. at 6, 501 P.3d at 984. Moreover, Rowland 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. *See Williams v. Second Jud. Dist. Ct.*, 142 Nev., Adv. Op. 5, 583 P.3d 223, 226 (2026). Therefore, we conclude that Rowland is not entitled to relief based on this argument.

Having concluded Rowland is not entitled to relief, we ORDER the judgment of the district court AFFIRMED.[2]

_____, C.J.
Bulla



_____, J.
Gibbons

_____, J.
Westbrook

cc: Hon. Sandra A. Unsworth, District Judge, Family Division
Wendy Rowland
Jennifer S. Anderson
Washoe District Court Clerk

[2]Insofar as Rowland raises other arguments not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.