IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIAL TOUNG,
Appellant,
vs.
SAURI REACHI SOLIS,
Respondent.

No. 91453-COA

ORDER OF AFFIRMANCE

Danial Toung appeals from a district court final order concerning child custody. Eighth Judicial District Court, Family Division, Clark County; Frank P. Sullivan, Senior Judge.

Danial and respondent Sauri Reachi Solis were not married and share three children in common, A.T., who was born in 2016, N.T., who was born in 2020, and H.R.S., [1] who was born in 2024. In 2016, a custody decree was entered awarding the parties joint legal and joint physical custody of A.T. The parties then had N.T. and in 2021, a custody decree was entered awarding the parties joint legal custody and Sauri primary physical custody of A.T. and N.T. The decree also awarded Danial parenting time. The 2021 decree is the most recent final custody order preceding the instant litigation.

The parties then had H.R.S. in 2024. Following the birth of H.R.S., Sauri filed a motion to modify custody based on changed

[1]As is discussed in further detail below, the district court ordered that H.R.S.'s name could be changed to contain both Sauri and Danial's surnames. However, this order uses the child's initials as reflected in the district court order Danial appeals from.

circumstances. In her motion, Sauri sought to add H.R.S. to the case and requested sole physical custody of the three children based on allegations that Danial had "simply checked out on the family in favor of his new family," had not contacted his children, and had been arrested for an act of domestic violence against Sauri. Danial opposed the motion, asserting that he had not "checked out" as Sauri alleged and had never been arrested for domestic violence against her.

Danial also filed a petition to change H.R.S.'s name to Danial's surname and to provide H.R.S. with new first and middle names. Following hearings conducted by the district court, the court entered temporary custody orders adding H.R.S. to the case and awarding Sauri primary physical custody of the three children. The court ordered that Danial's parenting time be supervised due to an act of violence between Danial and Danial's brother that occurred in front of the children. The court also partially granted Danial's petition to change H.R.S.'s name, ordering that Danial's surname be added to H.R.S.'s name and that Danial be added to the birth certificate as the natural father. Thereafter, Danial filed an unsuccessful motion to disqualify the district court judge. In April 2025, Danial filed a second petition to change H.R.S.'s name to reflect only Danial's surname and not Sauri's surname. And in June 2025, Danial filed a pretrial memorandum requesting joint legal and physical custody of the children.

In July 2025, a trial was held before another district court judge during which Danial and Sauri testified. The district court heard testimony and the parties presented information regarding Danial's alleged acts of child abuse and domestic violence, including the December 2023 incident where Sauri testified Danial punched her in the back; Danial's lack of

contact with the children; and the parties' relationship with the children. The court entered an order in which it determined that joint physical custody was not in the best interest of the children pursuant to NRS 125C.003(1)(a) based on its finding that Danial had only "sporadic" contact with them since 2023. The court also made specific findings concerning each of the NRS 125C.0035(4) best interest factors. The court ultimately denied Sauri's motion for sole physical custody but determined that it was in the children's best interest that Sauri retain primary physical custody of A.T. and N.T. and that she be awarded primary physical custody of H.R.S. The court ordered that Danial's parenting time with the children must be supervised and determined it was in the children's best interest to award Sauri sole legal custody. This appeal followed.

On appeal, Danial only challenges the district court's physical custody decision. Danial disagrees with the district court's determination that Sauri retain primary physical custody of A.T. and N.T. and that she be awarded primary physical custody of H.R.S. This court reviews a child custody decision for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007); *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 district court abuses its discretion only when "no reasonable judge could reach a similar conclusion under the same circumstances." *In re Guardianship of Rubin*, 137 Nev. 288, 294, 491 P.3d 1, 6 (2021) (quoting *Leavitt v. Siems*, 130 Nev. 503, 509, 330 P.3d 1, 5 (2014)). In reviewing child custody determinations, this court will affirm the district court's factual findings if they are supported by substantial evidence. *Ellis*, 123 Nev. at 149, 161 P.3d

at 242. Substantial evidence is that which a reasonable person may accept as adequate to sustain a judgment. *Id*.

A court may modify a physical custody arrangement only when the movant demonstrates 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, 5, 501 P.3d 980, 983 (2022) (internal quotation marks omitted), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 404-05, 535 P.3d 1167, 1171 (2023). 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). 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. 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). We conclude that Danial fails to demonstrate that the district court abused its discretion in determining that Sauri retain primary physical custody of A.T. and N.T. and that she be awarded primary physical custody of H.R.S for reasons discussed below.

First, Danial challenges the district court's application of the NRS 125C.0035(4) best interest factors, arguing it relied on hearsay and unsubstantiated claims without properly analyzing the factors. Danial appears to contend the evidence supports the conclusion that he did not commit domestic violence or acts of abuse and that he engaged in ongoing and proactive parenting of the minor children despite Sauri 's efforts to obstruct his parenting time and access to the children.

With regard to the NRS 125C.0035(4) best-interest factors, the district court found that only one factor, concerning the maintenance of sibling relationships, weighed in favor of Danial. *See* NRS 125C.0035(4)(i). In contrast, the district court found several factors favored Sauri.

The district court found the cooperation, conflict and domestic violence factors favored Sauri based on evidence that: (1) Danial punched her in the back during an incident that occurred in December 2023 in which Danial was arrested for domestic battery involving his brother ; (2) Danial had very little contact with the children and "ghosted" the family following this incident; (3) Danial is argumentative and aggressive, making it difficult to coparent; and (4) Sauri was granted a temporary protection order based on her accusations that Danial harassed her by sending numerous text messages or emails, sometimes as many as 50 per day, made threatening statements, and stated that the parties were in a "civil war." *See* NRS 125C.0035(4)(d), (e), (k).

The district court further found the factor regarding the mental and physical health of the parents favored Sauri because there had been no concerns raised regarding her mental health while Danial made strange statements during the proceedings. *See* NRS 125C.0035(4)(f). Finally, the court found the factor regarding the children's relationship with each parent favored Sauri because she testified that Danial has had limited contact with the children and N.T. expressed concern about Danial following the December 2023 incident and A.T. asked how to speak with Danial following the incident, while, in contrast, Sauri has a loving relationship with the children and that they talk about everything. *See* NRS 125C.0035(4)(h).

The district court also noted that several factors concerning the parties' relationships with the children did not favor either party. The court found the factor regarding which parent would allow more frequent associations and a continuing relationship with the other parent, *see* NRS 125C.0035(4)(c), was neutral because Danial chose to see the children sporadically and Sauri blocked Danial's communications with the children. The court also found the factor addressing the physical, developmental and emotional needs of the children, *see* NRS 125C.0035(4)(g), was neutral, noting that while N.T. expressed concern about Danial following the December 2023 incident and A.T. asked how to speak with Danial following the incident, there was no additional evidence presented on this factor. Finally, the court found the child abuse factor set forth in NRS 125C.0035(4)(j) was neutral because there was insufficient evidence to corroborate Sauri's allegation that Danial grabbed N.T.'s arm during the December 2023 incident.[2]

The factual findings made in support of the district court's determinations regarding the best interest factors are supported by substantial evidence in the record. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. And while Danial challenges the district court 's determinations and asserts the allegations relied on by the court were unsubstantiated, 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).

Further, with regard to Danial's argument that the district court improperly relied on hearsay, Danial does not identify the hearsay

[2]While the district court considered all of the best-interest factors, it determined that the remaining factors were inapplicable.

evidence he challenges and thus fails to cogently argue this issue on appeal. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider issues that are not cogently argued). In light of the foregoing, we conclude Danial does not demonstrate the district court 's findings were not supported by substantial evidence or were otherwise improper. Therefore, Danial fails to demonstrate the district court abused its discretion in determining that Sauri retain primary physical custody of A.T. and N.T. and that she be awarded primary physical custody of H.R.S. [3] *See Ellis*, 123 Nev. at 149, 161 P.3d at 241.

Second, Danial argues there were "procedural irregularities" in the district court proceedings and that he was denied a fair trial. Danial contends he was not timely provided with a trial and that the second judge allegedly repeated Sauri's perjured testimony to protect the first judge. "Due process is satisfied where interested parties are given an opportunity to be heard at a meaningful time and in a meaningful manner," ordinarily in a live hearing. *Mesi v. Mesi*, 136 Nev. 748, 750, 478 P.3d 366, 369 (2020) (internal quotation marks omitted). Moreover, "[h]earing and trial

---

[3]In addition, Danial challenges the district court's failure to grant his request to change H.R.S.'s name to reflect only Danial's surname. The district court did not specifically deny Dania l's second request for a name change in its written order , but by issuing its custody decision, the court effectively denied the request for a name change. *See Bd. of Gallery of Hist., Inc. v. Datecs Corp.*, 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) (concluding that a district court 's failure to rule on a request constitutes a denial of that request). And we conclude that Danial fails to demonstrate the district court abused its discretion by denying Dania l's request for a name change. *See Magiera v. Luera*, 106 Nev. 775, 777, 802 P.2d 6, 7 (1990) (stating "the burden is on the party seeking the name change to prove, by clear and compelling evidence, that the substantial welfare of the child necessitates a name change").

procedures, such as . . . the scheduling of hearings, so long as within the parameters of the governing rules, are matters vested in the sound discretion of the trial court." *Zupancic v. Sierra Vista Recreation* , 97 Nev. 187, 192, 625 P.2d 1177, 1180 (1981); *see also Matter of J.B.* , 140 Nev., Adv. Op. 39, 550 P.3d 333, 339 (2024) (noting a district court "retains broad scheduling powers").

Danial was represented by counsel during trial and had the ability to present evidence and cross-examine Sauri. Danial does not explain how the timing of the trial or how it was conducted denied him the right to a fair hearing. He further fails to specify the allegedly "perjured" testimony the district court repeated. He thus fails to cogently argue these issues on appeal. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38 (providing that the appellate courts need not consider issues that are not cogently argued). Further, to the extent Danial alleges the second judge erred by repeating prior findings made by the first judge in the court's custody decision, he fails to demonstrate this was an error. *See Nance v. Ferraro*, 134 Nev. 152, 153, 418 P.3d 679, 681 (Ct. App. 2018) (providing that a district court may review "the facts and evidence underpinning its prior rulings or custody determinations in deciding whether the modification of a prior custody order is in the child's best interest"). Therefore, Danial is not entitled to relief based on this argument.

Third, Danial argues the chief judge improperly denied his motion to disqualify the first judge despite "procedural unfairness" and "concerns of impartiality." We review a decision concerning a motion to disqualify a district court judge for an abuse of discretion. *See Ivey v. Eighth Jud. Dist. Ct.*, 129 Nev. 154, 162, 299 P.3d 354, 359 (2013). "A judge is presumed to be unbiased, and the burden is on the party asserting the

challenge to establish sufficient factual grounds warranting disqualification." *Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (internal quotation marks omitted), *overruled 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, 535 P.3d 1167 (2023). Here, the chief judge reviewed Danial's request to disqualify the first judge and the chief judge thereafter denied Danial 's request. In so doing, the chief judge concluded that disqualification was unwarranted because Danial had failed to overcome the presumption that the judge was not biased. The record supports the chief judge 's finding that Danial failed to establish factual grounds warranting disqualification. *See id*. We therefore conclude that Danial fails to demonstrate the chief judge abused his discretion by denying his motion to disqualify.

Danial also appears to argue that the second judge demonstrated bias by "repeating" inaccurate information. However, Danial has not demonstrated that the second judge's custody decision was based on knowledge acquired outside of the proceedings, and the decision does 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*, 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, Danial 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, 230 (2026). Therefore, Danial is not entitled to relief based on this argument.

Finally, Danial argues the district court refused to admit "key evidence" and improperly excluded witnesses. Danial does not identify the specific evidence or the witnesses and thus fails to cogently argue this issue on appeal. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38 (providing that the appellate courts need not consider issues that are not cogently argued). For these reasons, we

ORDER the judgment of the district court AFFIRMED. [4]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Chief Judge, Eighth Judicial District Court
Hon. Frank P. Sullivan, Senior Judge

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

Danial William Toung
Sauri Sareth Reachi Solis
Eighth District Court Clerk