



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICKY DENOTO,  
Appellant,  
vs.  
ALISHA S. BABBE HILTON,  
Respondent.

No. 91325-COA

*ORDER OF AFFIRMANCE*

Ricky DeNoto appeals from a district court final custody decree. Eighth Judicial District Court, Clark County; Adriana R. White, Judge.

DeNoto and respondent Alisha S. Babbe Hilton share one minor child, T.D., born in 2017, but were never married. The parties exercised equal parenting time on a week-on/week-off basis after both moved to Nevada. Although both parents remained involved, Hilton generally took the lead on T.D.'s medical care, insurance, appointments, and school-related matters, while DeNoto often relied on Hilton for information after those matters were handled.

In early 2024, Hilton accepted a temporary surgical-technologist assignment in Hawaii. She asked DeNoto for permission to take T.D. with her, and the self-represented parties executed a written "Permission to Travel" agreement allowing T.D. to remain in Hawaii from June 6, 2024, until sometime between July 8 and July 13, 2024. Hilton did not present the trip as a permanent relocation, although she shipped her vehicle to Hawaii before leaving. As the agreed return window approached, DeNoto asked for T.D.'s itinerary. Hilton initially responded but became evasive and then stopped communicating during the return period. T.D. never returned to Nevada and has remained in Hawaii with Hilton.

In August 2024, DeNoto learned from T.D. that Hilton had enrolled him in school in Hawaii without DeNoto's knowledge or consent. The following month, T.D. sustained serious injuries when he was struck by a vehicle in the front yard of Hilton's Hawaii residence. He was life-flighted to Oahu, placed in a medically induced coma for three days, hospitalized until late October 2024, treated in the ICU, and underwent major surgery. By trial, T.D. had undergone several surgeries, resumed some physical activity, and been cleared to travel, but he continued to require medical care, including one additional surgery.

DeNoto filed a paternity complaint in October 2024, and Hilton answered and counterclaimed the following month. No prior custody or financial orders existed. The case went to trial, and the district court determined that Nevada had jurisdiction because T.D. had lived in Nevada for several years before leaving for Hawaii in June 2024 and because DeNoto filed the action within months of T.D.'s departure. The parties agreed to joint legal custody, and the district court entered detailed provisions requiring them to consult on major decisions, share medical and school information, provide access to records, exchange travel information when reasonably possible, communicate directly about T.D.'s needs, and foster T.D.'s relationship with the other parent.

The disputed issue was physical custody. Applying the NRS 125C.0035(4) best-interest factors, the district court found several factors neutral, including T.D.'s preference, the guardian-nomination factor, each parent's willingness to allow a continuing relationship with the other parent, the parties' level of conflict, the parties' mental and physical health, T.D.'s relationship with each parent, sibling relationships, parental abuse or neglect, domestic violence, and abduction. *See generally* NRS 125C.0035(4)(a)-(d), (f), (h)-(l).

The district court found that two factors favored Hilton. First, it found that the parties' ability to cooperate to meet T.D.'s needs favored Hilton, *see* NRS 125C.0035(4)(e), because she historically handled T.D.'s medical, insurance, and school matters; DeNoto generally deferred to her on those issues; and Hilton had financially supported T.D. while he lived in Hawaii. Second, the court found that T.D.'s physical, developmental, and emotional needs favored Hilton, *see* NRS 125C.0035(4)(g), because of his serious injuries, ongoing medical needs, physical therapy, school accommodations, speech-related services, and Hilton's ability to maintain medical, dental, and vision insurance for him. The court also noted that Hilton lived in Hawaii with her husband and two minor daughters, while DeNoto lived in Las Vegas with roommates and traveled for work.

Based on its best-interest findings, the district court awarded Hilton primary physical custody in Hawaii. DeNoto received parenting time during summer break, spring break, alternating Thanksgiving and winter breaks, and three- or four-day weekends upon written notice, along with regular phone contact when T.D. was not in his care. The court also ordered DeNoto to pay transportation costs and \$800 per month in child support, required Hilton to maintain T.D.'s health insurance, divided uncovered medical expenses equally, and ordered each party to bear their own attorney fees and costs.

DeNoto appeals the physical-custody determination but does not challenge the child-support, transportation-cost, or other financial provisions.<sup>1</sup> DeNoto argues that the district court abused its discretion by misapplying several of the best-interest factors under NRS 125C.0035(4), minimizing Hilton's nonreturn of T.D. and unilateral school enrollment,

---

<sup>1</sup>Relocation was not separately argued because this was an initial custody decree.

failing to make necessary credibility findings, and entering findings unsupported by substantial evidence. Hilton responds that the district

court's findings are supported by substantial evidence and any error was harmless.

This court reviews child-custody determinations for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). A district court abuses its discretion when its decision is not supported by substantial evidence or is clearly erroneous. *Bautista v. Picone*, 134 Nev. 334, 336, 419 P.3d 157, 159 (2018). Substantial evidence is evidence that a reasonable person may accept as adequate to sustain a judgment. *Ellis*, 123 Nev. at 149, 161 P.3d at 242. And this court does not reweigh evidence or reassess witness credibility on appeal. *Id.* at 152, 161 P.3d at 244; *Roe v. Roe*, 139 Nev. 163, 171, 535 P.3d 274, 285 (Ct. App. 2023).

Here, DeNoto's primary argument on appeal concerns the district court's factor (4)(c) finding, which addresses which parent is more likely to allow the child frequent associations and a continuing relationship with the noncustodial parent. See NRS 125C.0035(4)(c). DeNoto contends this factor could not reasonably be neutral because Hilton failed to return T.D. under the parties' written travel agreement, became evasive during the agreed return window, stopped communicating, and enrolled T.D. in school in Hawaii without DeNoto's knowledge or consent. The district court acknowledged these facts and found that the parties' written travel agreement contemplated T.D. traveling to Hawaii from June 6, 2024, until sometime between July 8 and July 13, 2024; that Hilton did not initially present the Hawaii trip as a permanent relocation; that her vehicle shipment to Hawaii raised concerns about her true intentions; that she became evasive when DeNoto requested return-travel information; that her evasiveness became "radio silence" during the agreed return period; and that she enrolled T.D. in a school in Hawaii without DeNoto's knowledge or consent. The district court even provided an express finding that Hilton "renege[d] on the agreement" in July 2024.

Although DeNoto's point is well taken that those findings are inconsistent with the district court's conclusion that this factor was neutral and its statement that there was "no evidence" either parent would interfere with T.D.'s relationship with the other, the custody decree does not show that the court ignored Hilton's conduct as he suggests. Rather, the court considered that conduct and weighed it against other evidence, including the parties' history of co-parenting without court intervention, their prior ability to communicate and reach agreements while living in different states, DeNoto's direct telephone access to T.D., and DeNoto's extended parenting time with T.D. in Hawaii. Because the district court acknowledged the adverse facts and resolved their weight in light of the broader record, DeNoto's challenge to the neutral finding under factor (4)(c) might suggest error, however, as explained later, he has not shown that any such error affected his substantial rights. See *Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010). Nevertheless, we note now that even if this court were to conclude that the district court improperly weighed factor (4)(c) as neutral, the district court's findings regarding factor (4)(g)—which favored Hilton—would nonetheless be sufficient to uphold the physical custody determination.

DeNoto also challenges the district court's findings under factor (4)(d), which concerns the level of conflict between the parents. See NRS 125C.0035(4)(d). He argues that the court improperly treated this factor as neutral rather than attributing the parties' conflict to Hilton's breach of the permission to travel agreement. But contrary to DeNoto's position, the court did identify Hilton's nonreturn of T.D. as the turning point in the parties' relationship. It found that the parties "got along well up until July 2024 when [Hilton] reneged on the agreement the Parties had signed." The court nevertheless found that the parties had historically co-parented well, had stayed out of court until this dispute, had remained cordial despite their

romantic relationship ending years earlier, had reached agreements while living in different states, and had continued to communicate after July 2024. Although the court recognized that the parties had recently become “a bit hostile,” it found the overall conflict level low and treated factor (4)(d) as neutral. Thus, as the district court’s factor (4)(d) finding is supported with substantial evidence, we view DeNoto’s challenge simply as a request to reweigh the evidence—which we will not do. *See Ellis*, 123 Nev. at 152, 161 P.3d at 244; *Roe*, 139 Nev. at 171, 535 P.3d at 285.

DeNoto also challenges the district court’s factor (4)(e) finding in favor of Hilton, which concerns the parents’ ability to cooperate to meet the child’s needs. In making its finding, the district court recognized that, after DeNoto learned Hilton intended to stay in Hawaii, the parties discussed homeschooling and a joint physical custody schedule, but “all of that changed” when Hilton enrolled T.D. in school without DeNoto’s knowledge or consent. Yet, the court also found that DeNoto historically deferred to Hilton on T.D.’s medical care and education, relied on her for basic school information, relied on her to care for T.D. when he traveled for work, and had provided minimal financial support since T.D. had been in Hawaii.

DeNoto further asserts that the district court failed to adequately address safety concerns involving Hilton’s husband, RJ Hilton, under its factor (4)(e) analysis. Specifically, DeNoto alleged that RJ, a convicted felon, assaulted and threatened him during a hospital visit, attempted to take his phone, used homophobic slurs, and threatened to kill him and his family. But the district court addressed the alleged Shriners Hospital incident under the domestic violence factor, *see generally* NRS 125C.0035(4)(k), and found that no evidence supported DeNoto’s claim. The court further noted that no other incidents involving DeNoto and RJ were shown in the record, and thus it did not find that an act of domestic violence

was committed against any party or T.D . Supported with substantial evidence, the district court’s factor (4)(e) findings justify its determination in favor of Hilton, notwithstanding Hilton’s unilateral school-enrollment decision. DeNoto’s challenge to this finding merely operates as a request of this court to reweigh evidence—which we will not do. *See Ellis*, 123 Nev. at 152, 161 P.3d at 244; *Roe*, 139 Nev. at 171, 535 P.3d at 285.

Turning to the sufficiency of the district court’s credibility findings, DeNoto also challenges the order by contending that it fails to resolve discrepancies between the parties . DeNoto contends that the court failed to resolve conflicting testimony about Hilton’s intent, the timing of school enrollment, communication gaps, and statements made between the parties at the hospital. Although more specific credibility findings may have been helpful or provided for a more thorough best-interest analysis, DeNoto’s assertion that the district court was obligated to make such findings to resolve every competing statement between the parties is not supported by the authority he proffers.

DeNoto first cites *Druckman v. Ruscitti*, but that case does not require specific credibility findings whenever credibility plays a central role in the district court’s decision . *See generally* 130 Nev. 468, 327 P.3d 511 (2014). DeNoto next relies on *Rico v. Rodriguez*, 121 Nev. 695, 120 P.3d 812 (2005), to argue that the court based its custody decision on unexamined assertions rather than reliable evidence. But *Rico* addressed a narrower issue: whether immigration status alone may control a custody determination. *See* 121 Nev. at 701, 120 P.3d at 816. DeNoto’s reliance on *Bluestein v. Bluestein*, 131 Nev. 106, 345 P.3d 1044 (2015), is similarly unavailing. Although *Bluestein* requires specific findings before modifying a custodial arrangement to designate one parent as the primary custodian, *id.* at 113, 345 P.3d at 1049, it does not require the district court to resolve every factual dispute or credibility conflict in its order. The specific-findings

requirement in our caselaw, therefore, does not support reversal on this basis.

Despite DeNoto's credibility challenge, we note that the district court expressly found both parties in this matter credible in some respects, and it accepted several of DeNoto's criticisms of Hilton—including that she did not present the Hawaii trip as permanent, that her vehicle shipment raised concern about her true intentions, that she became evasive and silent during the return window, and that she enrolled T.D. in an elementary school in Hawaii without DeNoto's knowledge or consent. While the court could have done more in light of the conflicting evidence, it did not silently credit Hilton and reject DeNoto. See *Nance v. Ferraro*, 134 Nev. 152, 158, 418 P.3d 679, 685 (Ct. App. 2018) (clarifying that the district court must make specific findings that concern the nonexhaustive list of best-interest factors set forth by statute). The court credited each party in part and assigned different weights to the evidence than DeNoto urges on appeal. Because the district court is in a better position to make credibility determinations and weigh evidence, this argument does not provide a basis for reversal. See *In re J.D.N.*, 128 Nev. 462, 477, 283 P.3d 842, 852 (2012) (explaining that "the family division of the district court is in a better position to weigh the credibility of witnesses"); see also *Schwartz v. Schwartz*, 126 Nev. 87, 91, 225 P.3d 1273, 1276 (2010) (providing that the district court is "in the best position to hear and decide the facts of this case"); *In re Parental Rights as to C.J.M.*, 118 Nev. 724, 732, 58 P.3d 188, 194 (2002) (recognizing that a district court is in the best position to observe the demeanor of parties and assess their credibility).

Serving as a catchall argument in his brief, DeNoto also contends that the district court overlooked evidence relevant to its best-interest analysis broadly, including his offer to homeschool T.D., Hilton's alleged knowledge that her Hawaii contract would be long term, the

unilateral school enrollment, and the alleged statements made between the parties while T.D. was hospitalized. But the order addressed most of this evidence. The court highlighted the homeschooling and joint-custody discussions between the parties, noting that those plans changed when Hilton enrolled T.D. in school without DeNoto's knowledge or consent. It also addressed Hilton's possible intent to remain in Hawaii, finding that her vehicle shipment caused concern about her true intentions. And it repeatedly acknowledged the unilateral school-enrollment issue. Regardless of these points, however, the court properly determined that an award of primary custody to Hilton was in the child's best interest. While the court did not specifically address every fact argued or discrepancy between the parties, Nevada law does not suggest that a district court must discuss every evidentiary detail so long as its findings permit meaningful appellate review. *See, e.g., Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 109, 294 P.3d 427, 434 (2013) (affirming a district court order when the reasons for its ruling were apparent elsewhere in the record and were "sufficiently clear to permit meaningful appellate review" (quoting *Las Vegas Novelty, Inc. v. Fernandez*, 106 Nev. 113, 118, 787 P.2d 772, 775 (1990))).

Finally, while DeNoto argues that substantial evidence does not support the district court's custody determination as a whole, we disagree. Once more, our standard of review on appeal is highly deferential. *Hayes v. Gallacher*, 115 Nev. 1, 4, 972 P.2d 1138, 1140 (1999) ("The district court has broad discretionary power in determining questions of child custody, and this court will not disturb the district court's determinations absent a clear abuse of discretion."). Still, substantial evidence must support the district court's findings, and substantial evidence "is evidence that a reasonable person may accept as adequate to sustain a judgment." *Ellis*, 123 Nev. at 150, 161 P.3d at 242.

Here, most critically, DeNoto does not meaningfully challenge the district court's NRS 125C.0035(4)(g) best-interest findings regarding T.D.'s physical, developmental, and educational needs, and those findings strongly support the district court's ultimate custody determination despite any challenge DeNoto makes under factors (4)(c), (d), and (e). The court found that Hilton had historically handled T.D.'s medical and educational needs, that DeNoto had often deferred to Hilton in those areas, that Hilton had insurance available for T.D., and that DeNoto did not have medical insurance available through his employer. Indeed, by the time of the custody trial in this matter, T.D. had undergone 12 surgeries, had been cleared to travel and resume physical activity, but still needed one additional surgery that had not yet been scheduled, continued to receive physical therapy, and received medical accommodations at school. Moreover, the court noted that Hilton remained the only parent with vision, dental, and medical insurance for T.D.

Because DeNoto has no meaningful opposition to the findings under factor (4)(g), the apparent weight the district court placed on that factor over others in its best-interest analysis, and its conclusion that Hilton could best meet T.D.'s needs, his suggestion that the court abused its discretion in its ultimate custodial determination does not warrant relief. Nor does the statutory scheme mandate that any factors be given controlling weight, which allows the district court discretion in determining how much weight to assign to the factors based on the facts and circumstances of the case. See NRS 125C.0035(1) ("In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. "); see also *Monahan v. Hogan*, 138 Nev. 58, 62, 507 P.3d 588, 592 (Ct. App. 2022) (describing the best-interest standard as a polestar of decision making and observing that it can vary depending on context).

Given the detailed nature of these findings and the evidence the district court referenced throughout its order concerning the factors placed in controversy by DeNoto, we conclude that the custody determination was made for appropriate legal reasons and is supported by substantial evidence such that a reasonable person may accept as adequate to sustain the court's custody decree. *Ellis*, 123 Nev. at 149, 161 P.3d at 241-42; *cf. Davis v. Ewalefo*, 131 Nev. 445, 452, 352 P.3d 1139, 1143 (2015) (explaining that, because the district court did not tie its factual findings to its conclusion, the appellate court "cannot say with assurance that the . . . determination was made for a pppropriate legal reasons").

And to the extent the district court's best-interest analysis was incomplete or imprecise under the factors DeNoto presently challenges, most notably under factor (4)(c), such error does not warrant reversal. *Cf. NRCP 61* (stating that courts "must disregard all errors and defects that do not affect any party's substantial rights"). As our supreme court has recognized, an error affects substantial rights if "but for the alleged error, a different result might reasonably have been reached." *Wyeth*, 126 Nev. at 465, 244 P.3d at 778. Notably, t he district court made detailed findings, acknowledged Hilton's nonreturn of T.D. and unilateral school enrollment, found that the parties historically co-parented well, found that DeNoto maintained a relationship with T.D. through telephone contact and extended visits, and found that T.D.'s current medical and educational needs favored Hilton. The court also imposed joint-legal-custody safeguards and awarded DeNoto substantial long-distance parenting time. On this record, therefore, DeNoto has not shown that, but for any arguable error in the application of the best-interest factors, a different custody result might reasonably have been reached. *Id.*

Because the district court considered the relevant statutory factors, made findings sufficient for appellate review, and reached a custody

determination supported by substantial evidence, we conclude that the court did not abuse its discretion in rendering its custodial determination. Accordingly, we

ORDER the judgment of the district court AFFIRMED. <sup>2</sup>



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Adriana R. White, District Judge  
Pecos Law Group  
Law Offices of F. Peter James, Esq.  
Eighth District Court Clerk

---

<sup>2</sup>Insofar as DeNoto has raised other 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.