



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NIA HICKS,
Appellant,
vs.
EDDIE LINDSEY,
Respondent.

No. 91345-COA

ORDER OF AFFIRMANCE

Nia Hicks appeals from a district court order denying a petition for grandparent visitation. Eighth Judicial District Court, Family Division, Clark County; Heidi Almase, Judge.

Respondent Eddie Lindsey and Nia Bullock had two minor children. Bullock passed away shortly after the birth of their second child. Appellant Nia Hicks, Bullock's mother and the grandmother of the two children, subsequently filed a petition to establish grandparent visitation with the children. In her petition, Hicks alleged that Lindsey unreasonably denied or restricted her visits with the children. Lindsey opposed the petition, contending that he had not unreasonably denied visitation and explained his willingness to allow Hicks to have some visits with the children.

The district court subsequently conducted a trial concerning Hicks' request for grandparent visitation and thereafter issued an order denying her petition. In its order, the district court noted Hicks primarily resided in Virginia but was able to travel to Las Vegas frequently due to her

employment with an airline. The court further noted that Hicks testified she visited with the children approximately 8 times in the past 12 months. The court noted that Hicks wished for an order directing Lindsey to permit the children to stay with her in Las Vegas, including overnight, during her trips to Las Vegas, including on holidays and their birthdays.

In addition, the district court noted that Lindsey testified that, while he does not have a good relationship with Hicks, he has not tried to hinder Hicks' relationship with the children or deny her access to the children, pointing to the multiple visits Hicks had with the children in the preceding 12 months. The court also noted Lindsey's concern with permitting overnight visits, as the youngest child suffers sickle cell anemia and requires care for that issue. The court further noted Lindsey's concern that the level of visitation requested by Hicks would be disruptive.

The district court found that Lindsey has a right to the care and custody of his children and that there was no evidence presented to indicate that he is not a fit parent. The court further found that Lindsey did not deny or unreasonably restrict Hicks' visitation with the children. The court found it was in the children's best interest to permit Lindsey to determine the children's schedules. This appeal followed.

On appeal, Hicks challenges the district court's decision, asking this court to reevaluate the evidence presented to the district court, including that concerning her involvement and relationship with the children.

A district court decision regarding visitation rights is reviewed for an abuse of discretion. *Ramos v. Franklin*, 139 Nev. 54, 60, 525 P.3d


1227, 1232 (2023). 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). “It is presumed that a trial court has properly exercised its discretion in determining a child’s best interest.” *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996).

Under certain circumstances, grandparents may petition the district court for reasonable visitation with a child. NRS 125C.050(1). However, such visitation may only be granted when “a parent of the child has denied or unreasonably restricted visits with the child.” NRS 125C.050(3); *see also Ramos*, 139 Nev. at 58, 525 P.3d at 1231 (“Visitation under [NRS 125C.050(1) and (2)] may be ordered only if a parent of the child has denied or unreasonably restricted visits with the child.” (internal quotation marks omitted)).

As noted previously, the district court found that Lindsey did not deny or unreasonably restrict Hicks from visiting the children, and Hicks does not present cogent argument concerning that finding or challenge the court’s decision to deny her petition in consideration of that finding. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that appellate courts need not consider issues that are not supported by cogent argument); *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). While Hicks asks this court to reevaluate the evidence concerning her involvement and relationship with the children, this court is not at liberty

to do so. *See Grosjean v. Imperial Palace, Inc.* , 125 Nev. 349, 366, 212 P.3d 1068, 1080 (2009). In light of the foregoing, we conclude that Hicks fails to demonstrate that the district court abused its discretion by denying her petition. *See Ramos*, 139 Nev. at 60, 525 P.3d at 1232. Accordingly, we
ORDER the judgment of the district court AFFIRMED.


Bulla, C.J.


Gibbons, J.


Westbrook, J.

cc: Hon. Heidi Almase, District Judge, Family Division
Nia Hicks
Eddie Lindsey
Eighth District Court Clerk