

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMBER JOHNSON-PARKER A/K/A
AMBER JOHNSON,
Appellant,
vs.
CLEVIS PARKER,
Respondent.

No. 90848-COA

ORDER OF AFFIRMANCE

Amber Johnson-Parker appeals from a district court final order in a child custody matter. Eighth Judicial District Court, Clark County; Vincent Ochoa, Judge.

Amber and respondent Clevis Parker married in 2019 and share one minor child, who was born in 2019. In 2021, Clevis filed a complaint for divorce and sought joint legal and physical custody of the child. Amber filed an answer and counterclaim, seeking joint legal custody of the child but requesting an award of primary physical custody in her favor.

The parties subsequently resolved many of the outstanding issues, and the district court entered a decree of divorce adopting the parties' stipulations. As relevant to this matter, the parties agreed to work toward joint physical custody of the child but stipulated to a temporary award of primary physical custody in favor of Clevis, noting that Amber faced a pending criminal matter that had not yet been resolved. The parties also agreed for Amber to attend anger management and impulse control sessions and for Amber to participate in an assessment related to those issues. The parties further agreed that the court would retain jurisdiction

to modify the custody arrangement, noting that joint physical custody could be awarded if Amber received no new criminal charges, there were no new matters involving child protective services and substantiated allegations, no new extended orders for protection, no new issues involving abuse or domestic violence, and there were no safety issues concerning the minor child. In addition, the parties stipulated to joint legal custody of the child.

Thereafter, following several incidents involving Amber and the child's school, the district court temporarily awarded Clevis sole legal custody of the child. Amber later filed a motion to modify the custody arrangement, seeking an award of joint physical custody. Clevis opposed the motion and filed a countermotion, seeking permission to relocate with the child to Texas. Amber also underwent a psychological assessment and the parties participated in a custody evaluation. In addition, Clevis moved for an award of attorney fees.

The district court subsequently conducted a trial concerning the outstanding custody issues. The parties presented information concerning the child's well-being, including significant information on Amber's mental health issues and how those issues bore upon the child's development. Witnesses also testified that, since entry of the decree of divorce, Amber had been arrested for driving under the influence of alcohol and had raised allegations that Clevis abused the child but that those allegations were unsubstantiated. In addition, Clevis testified at length concerning his desire to relocate to Texas with the child and explained why he believed such a relocation would benefit the child.

The district court subsequently entered a written order denying Amber's motion, granting Clevis' request to relocate, and entering a final custody arrangement. The court found that Amber's allegations of sexual

and physical abuse were false and that her accusations had caused mental trauma to the child. The court also noted that the child custody evaluator determined that Amber exhibited paranoid and delusional thinking and found that Amber's actions presented a continuous risk of stress and emotional harm to the child. In contrast, the court found that Clevis provided a stable and supportive environment for the child. The court further found that relocation to Texas with Clevis was in the child's best interests and entered a final decision awarding Clevis primary physical custody of the child. The district court awarded Amber parenting time with the child but cautioned Amber against making additional false allegations of abuse.

In addition, the district court found that Amber interfered with the child's schooling and did not support the child's attendance at therapy. Considering that information, and because of Clevis' actions supporting the child's well-being, the court determined it was in the child's best interest to award Clevis primary legal custody.

Finally, the district court determined that Amber's actions had significantly increased the costs of litigation. The court noted it had the authority to award attorney fees when a party brings a frivolous motion. The district court accordingly directed Clevis to file a memorandum of fees and costs in support of his requests related to the same. It also directed Amber to pay 25 percent of the costs associated with the psychological assessment and 65 percent of the costs associated with the custody evaluation.

Clevis subsequently moved for an award of fees pursuant to EDCR 5.219, EDCR 7.60(b), and NRS 18.010, and filed a memorandum in support of his request. Clevis contended the factors under *Brunzell v.*

Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969), supported his request for an award of attorney fees and noted the parties' disparity in income. In addition, Clevis submitted billing records in support of the request for fees of \$117,127.50 and costs in the amount of \$1,890.14. Amber subsequently filed motions to alter or amend the district court's decisions and contended that an award of attorney fees in favor of Clevis was unwarranted. Clevis opposed the motion to alter or amend.

The district court conducted a hearing concerning the outstanding motions and thereafter issued a written order in which it granted Clevis' request for attorney fees. The court explained it reviewed Clevis' motion and additional support he provided for his request for fees and, based on the information contained therein, determined Clevis was entitled to an award of fees in his favor. The district court also explained it considered the *Brunzell* factors and determined that an award of fees in the amount of \$45,000 was warranted. The district court subsequently denied Amber's motions to alter or amend, explaining that Amber did not demonstrate a basis for it to alter or amend its decisions. This appeal followed.

Physical custody and relocation

On appeal, Amber challenges the district court's decision to award Clevis primary physical custody and to grant his request to relocate to Texas with the child. 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). In reviewing child custody determinations, this court will affirm the district court's factual findings if they are supported by substantial evidence, "which is evidence that a

reasonable person may accept as adequate to sustain a judgment.” *Id.* at 149, 161 P.3d at 242.

Courts must consider a pending motion to relocate when making the initial permanent custody determination. *McGuinness v. McGuinness*, 114 Nev. 1431, 1435, 970 P.2d 1074, 1077 (1998). When resolving a request to relocate and making an initial permanent custody determination, “the district court must base its decision on the child’s best interest.” *Druckman v. Ruscitti*, 130 Nev. 468, 473, 327 P.3d 511, 515 (2014). “A court cannot adequately evaluate a child’s best interest in the custody determination without considering the circumstances of the relocation request.” *Id.* at 474, 327 P.3d at 515.

First, Amber contends the district court abused its discretion by denying her request for joint physical custody, as she asserts that status was warranted pursuant to the parties’ initial agreement as provided in the decree of divorce. Amber also argues the district court’s findings were not supported by substantial evidence, and that it failed to make specific findings under NRS 125C.0035(4)’s best interest factors.

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). 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). A court may award one parent primary physical custody if it determines that joint physical custody is not in the best interest of the child. NRS 125C.003(1). 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.

“Failure of the district court to properly consider any best interest factor and make specific findings constitutes an abuse of discretion.” *Soldo-Allesio v. Ferguson*, 141 Nev., Adv. Op. 9, 565 P.3d 842, 849 (Ct. App. 2025); *see also Lewis v. Lewis*, 132 Nev. 453, 459-60, 373 P.3d 878, 882 (2016) (“In determining the best interest of the child, the court *shall* consider and set forth its specific findings concerning [the best interest factors].” (emphasis in original)). Moreover, “[e]valuating the child’s best interest in determining custody is designed to place the child’s welfare and developmental needs at the forefront of all child custody decisions, ensuring that the outcomes support their physical, emotional, and psychological well-being.” *Soldo-Allesio*, 141 Nev., Adv. Op. 9, 565 P.3d at 848-49.

As previously explained, the district court held a trial concerning the custody issues. The parties testified and presented witnesses and evidence concerning the custody evaluation and Amber’s psychological assessment. In its written order, we note the district court did not specifically include citation to NRS 125C.0035(4) in its discussions concerning the best interest of the child. However, as we discuss below, the court made extensive findings concerning the evidence presented at the trial, including information pertaining to most of the NRS 125C.0035(4) best interest factors, and it tied those findings into its custody decision. *See Davis*, 131 Nev. at 451, 352 P.3d at 1143 (explaining the district court’s “order must tie the child’s best interest, as informed by specific, relevant findings respecting the [best interest factors] and any other relevant factors, to the custody determination made”).

The district court made lengthy findings concerning Amber’s mental health and how her actions affected the child. See NRS 125C.0035(4)(f). The court reviewed Dr. Holland’s evaluation and testimony, explaining that Dr. Holland’s findings regarding Amber caused significant concerns regarding Amber’s ability to make sound and rational decisions regarding the child’s well-being. The court also noted that Dr. Holland determined that Amber attempted to manipulate and program the child into believing that Clevis was dangerous and that such conduct could cause significant harm to the child. The court also noted that Dr. Holland determined that Amber suffers from mental health difficulties that, if left untreated, could negatively impact the child’s well-being. In addition, the court noted that its own observations aligned with Dr. Holland’s report and found that Amber fostered “an extremely toxic environment” for the child. The district court ultimately found that Dr. Holland’s testimony and recommendations were “both credible and compelling.”¹

¹Amber argues the district court should not have relied upon Dr. Holland’s evaluation and testimony because they were not reliable, exceeded the scope of Dr. Holland’s role, and Dr. Holland submitted her evaluation shortly before the trial. However, we conclude Amber is not entitled to relief as she did not object to the admission of the evaluation or Dr. Holland’s testimony on these bases at the trial. See NRS 47.040; see also *Thomas v. Hardwick*, 126 Nev. 142, 156, 231 P.3d 1111, 1120 (2010) (explaining “NRS 47.040(1)(a) requires a party who objects to the admission of evidence to make a timely objection or motion to strike . . . stating the specific ground of objection. The failure to specifically object on the grounds urged on appeal precludes appellate consideration on the grounds not raised below” (internal quotation marks and brackets omitted)). Amber also does not demonstrate Dr. Holland’s evaluation and testimony were unreliable or were outside of the scope of expert witness testimony permitted by NRS 50.275.

In addition, the district court noted that Clevis denied abusing the child and it found Clevis' testimony credible. *See* NRS 125C.0035(4)(j), (k). The court also found Clevis' relationship and time with the child was impacted because Amber raised false allegations of abuse. *See* NRS 125C.0035(4)(h). Moreover, the court found there were no credible concerns regarding Clevis' mental or physical well-being. *See* NRS 125C.0035(4)(f). The district court also found there was no evidence Clevis interfered with Amber's relationship with the child or failed to comply with orders regarding her parenting time. *See* NRS 125C.0035(4)(c), (l).²

The district court next found that the parties have an ongoing conflict caused by Amber's inability to make sound parenting decisions. *See* NRS 125C.0035(4)(d). In addition, the court found the parties have been unable to effectively cooperate to meet the needs of the child. *See* NRS 125C.0035(4)(e). The district court also found that Amber interfered with the child's schooling, causing the child to be disenrolled, but that Clevis attempted to include Amber in the child's activities and did not intentionally withhold any information from Amber.

The district court also explained that it carefully considered the physical, emotional, and developmental needs of the child and found that

²While Amber argues the district court should have applied the rebuttable presumptions contained within NRS 125C.0035(5) and NRS 125C.0035(7) and should have declined to award Clevis primary physical custody due to acts of domestic violence or abduction, the district court did not find that any acts of domestic violence or abduction were proven by clear and convincing evidence, and thus, those rebuttable presumptions were not applicable to the district court's custody determination. *Cf.* NRS 125C.0035(5), (7); *Soldo-Allesio*, 141 Nev., Adv. Op. 9, 565 P.3d at 848 (explaining that NRS 125C.0035(5)'s rebuttable presumption against awarding a parent physical custody applies when the commission of acts of domestic violence "has been established by clear and convincing evidence").

Cleviis was meeting those needs. *See* NRS 125C.0035(4)(g). The district court made findings concerning the child's separation anxiety, noting that Dr. Holland indicated Amber's behavior contributed to it and finding that Amber's behavior negatively impacted the child's emotional well-being. Moreover, the court found that both parents share a bond with the child but explained that Cleviis admirably fulfilled his role while Amber escalated the conflict and did not contribute to the child's well-being. *See* NRS 125C.0035(4)(h).

Based on the foregoing factual findings, the district court determined it was not in the child's best interest to award joint physical custody. The court noted that the decree of divorce contained conditions for Amber to fulfill to work toward joint physical custody but explained that merely fulfilling those requirements was never intended to override the child's best interest and that additional measures were required to ensure the child's well-being. In consideration of those findings and in recognition that Cleviis had been exercising primary physical custody on a temporary basis since entry of the divorce decree, the court determined it was in the child's best interest to award Cleviis with primary physical custody on a permanent basis. *See* NRS 125C.003(1).

The aforementioned factual findings made in support of these determinations are supported by substantial evidence. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. While Amber challenges the district court's findings, particularly those related to the allegations involving abuse and Cleviis' behavior, 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).

While we recognize the district court did not make specific findings with respect to NRS 125C.0035(4)(a), (b), and (i) (concerning the wishes of the child, nominations of a guardian for the child by a parent, and the ability of the child to maintain a relationship with a sibling), Amber does not meet her burden to demonstrate any failure to make additional findings concerning those factors was prejudicial, particularly in light of the court’s findings concerning Amber’s mental health issues and the impact those issues have upon the child. *See Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (“When an error is harmless, reversal is not warranted.”); *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.”). Accordingly, we conclude Amber does not demonstrate that she is entitled to relief.³ *See Ellis*, 123 Nev. at 149, 161 P.3d at 241.

Amber also argues the district court did not review evidence indicating that she did not pose any safety concerns, that the child had been

³Amber also asserts that the district court abused its discretion by modifying the physical custody arrangement without finding there was a substantial change in circumstances affecting the welfare of the child. Amber’s argument is misplaced because the prior physical custody order in the decree of divorce was temporary, *see Rennels v. Rennels*, 127 Nev. 564, 569, 573, 257 P.3d 396, 399, 402 (2011) (explaining the “substantial change in circumstances affecting the welfare of the child” test “is based on the principle of *res judicata*” that applies when a final order is entered that “disposes of the issues presented in the case . . . and leaves nothing for the future consideration of the court” (internal quotation marks omitted)), and regardless, the district court also specifically found that the evidence demonstrated a substantial change in circumstances occurred since entry of the decree due to Amber’s concerning behavior, *see Romano v. Romano*, 138 Nev. 1, 5, 501 P.3d 980, 983 (2022) (explaining the substantial change in circumstances test for modification of a child custody arrangement), *abrogated in part on other grounds by Killebrew v State ex rel. Donohue*, 139 Nev. 401, 404-05, 535 P.3d 1167, 1171 (2023).

coached by Clevis, and that Clevis tracked her movements. Amber's argument lacks merit as the district court discussed these issues in its custody order. As noted previously, the court reviewed the evidence regarding Amber's mental health and, while the district court did not find she posed a safety risk to the child, it found Amber's mental health issues impacted the child's emotional well-being. Moreover, while Amber asserts the child was coached by Clevis, the court instead determined that Amber was the party that attempted to manipulate the child, as she tried to cause the child to believe that Clevis was dangerous. Contrary to Amber's contention, the court noted Amber's concerns that Clevis planted a tracking device on her vehicle. To the extent that Amber contends the district court should have made different findings concerning these issues or weighed these issues in her favor, she fails to demonstrate the court's findings were not supported by substantial evidence and this court is not at liberty to reweigh the evidence or the district court's credibility determinations. *See Grosjean*, 125 Nev. at 365-66, 212 P.3d at 1080. As a result, Amber fails to demonstrate she is entitled to relief.

In addition, Amber contends the district court abused its discretion by finding she falsely reported that Clevis abused the child. During trial, the parties noted that Amber had previously raised allegations accusing Clevis of abusing the child but those allegations had been determined to be unsubstantiated. Dr. Holland testified that she uncovered no information that supported Amber's accusations that Clevis abused the child. Amber also testified she had previously alleged that Clevis sexually abused the child but acknowledged those allegations were not accurate. In light of the foregoing, we conclude the district court's finding that Amber

falsely accused Clevis of abusing the child is supported by substantial evidence.

Finally, Amber argues the district court abused its discretion by failing to make findings concerning her access to information regarding the child's school, and by failing to make findings concerning the child's separation anxiety and emotional needs. However, contrary to Amber's arguments on appeal, the district court made findings concerning issues involving the child's school and any disclosure of information related thereto, noting that Amber caused disruptions at the child's school and finding that Clevis did not withhold information from Amber. The court also made findings concerning the child's separation anxiety, noting Dr. Holland indicated Amber's behavior contributed to the child's anxiety and finding that Amber's behavior negatively impacted the child's emotional well-being. Accordingly, Amber is not entitled to relief based on this argument. In light of the foregoing, we conclude Amber does not demonstrate that the district court abused its discretion by awarding Clevis primary physical custody. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241

We next consider Amber's contention that the district court abused its discretion by granting Clevis' request to relocate to Texas with the child. Amber argues the district court erroneously based its decision upon the incorrect factors when reaching its decision and contends substantial evidence did not support the district court's decision.

When evaluating a request to relocate to another state "and determining the parents' custodial rights, the court must decide whether it is in the best interest of the child to live with parent A in a different state or parent B in Nevada." *Druckman*, 130 Nev. at 474, 327 P.3d at 515 (internal quotation marks omitted).

Initially, a court must determine whether the moving parent established a “sensible, good faith reason for the move.” *Id.* at 473, 327 P.3d at 515 (internal quotation marks omitted). Should the moving party satisfy that initial hurdle, the court must consider:

(1) the extent to which the move is likely to improve the quality of life for both the child and the custodial parent; (2) whether the custodial parent’s motives are honorable, and not designed to frustrate or defeat visitation rights accorded to the noncustodial parent; (3) whether, if permission to remove is granted, the custodial parent will comply with any substitute visitation orders issued by the court; (4) whether the noncustodian’s motives are honorable in resisting the motion for permission to remove, or to what extent, if any, the opposition is intended to secure a financial advantage in the form of ongoing support obligations or otherwise; (5) whether, if removal is allowed, there will be a realistic opportunity for the noncustodial parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship with the noncustodial parent.

Id. at 474, 327 P.3d at 515 (internal brackets omitted); *see also Shahrokhi v. Burrow*, Nos. 81978, 82245, & 83726, 2022 WL 1509740, at *3 (Nev. May 12, 2022) (Order of Affirmance (Docket Nos. 81978, 82245, & 83726) and Dismissing Appeal in Part (Docket No. 83726)) (explaining that the test for evaluating relocation requests set forth in *Druckman* applies in the absence of a court order finally establishing custody).

Preliminarily, we note that NRS 125C.007 did not govern Clevis’ request to relocate because there had not been a prior permanent order determining custody in this matter. *See Druckman*, 130 Nev. at 472-73, 327 P.3d at 514 (holding that NRS 125C.200, the predecessor to NRS 125C.007, applies only to instances where there is a prior custody

determination). However, the district court properly elected to utilize NRS 125C.007 to guide its evaluation of this issue. *See id.* at 473, 327 P.3d at 515 (explaining the statutory framework for relocation may be used “as a guide in instances where no custodial order exists and the parents dispute out-of-state relocation” (citing NRS 125C.200 (1999))).

In its order, the district court made detailed findings concerning Clevis’ request to relocate to Texas, the relocation factors, and whether relocation was in the child’s best interests. Initially, the district court found that Clevis demonstrated a sensible, good-faith reason for relocation given his testimony concerning his employment opportunity and that he did not aim to deprive Amber of her parenting time. The court also found that Clevis demonstrated relocating to Texas was in the child’s best interests, as it would allow the child to build meaningful connections with Clevis’ extended family, offer improved education opportunities, and would remove the child from Amber’s ongoing creation of conflict and instability. The court further found that the child had primarily resided with Clevis since entry of the decree of divorce, he provided stability while managing the child’s daily activities, and they would both benefit from a relocation to Texas.

In addition, the district court found that Clevis was willing to follow any parenting time orders. The court also determined that Amber’s opposition to the relocation was made with the intent to strengthen her relationship with the child but found that there was a realistic opportunity for Amber to maintain and foster a relationship with the child following the relocation, particularly in light of Clevis’ willingness to facilitate Amber’s visits with the child.

The record supports the district court’s detailed findings regarding the relocation factors. *See Druckman*, 130 Nev. at 474, 327 P.3d at 515. Our review of the record demonstrates that the district court’s findings are supported by substantial evidence. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. While Amber contends the findings are insufficient to demonstrate relocation to Texas was appropriate, this court is not at liberty to reweigh the evidence. *See Grosjean*, 125 Nev. at 365-66, 212 P.3d at 1080. Accordingly, we discern no abuse of discretion by the district court in granting Clevis’ relocation request. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241.

Legal Custody

Amber next argues the district court abused its discretion by awarding Clevis primary legal custody without making findings explaining that decision. This court reviews district court decisions concerning child custody, including decisions concerning legal custody, for an abuse of discretion. *Id.*; *Kelley v. Kelley*, 139 Nev. 359, 365, 535 P.3d 1147, 1153 (2023) (recognizing that district courts have discretion when making decisions concerning legal custody). “Legal custody involves having basic legal responsibility for a 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*, 138 Nev. at 6, 501 P.3d at 984. “Joint legal custody requires that the parents be able to cooperate, communicate, and compromise to act in the best interest of the child.” *Id.*

In resolving the legal custody issue, the district court found that the parties were not able to cooperate or communicate effectively. It also noted that Amber harassed the employees at the child’s school and that

ultimately led to the child’s disenrollment at the school. The court further found that Amber cancelled the child’s initial appointment with a therapist and failed to provide any alternate options for such care, despite acknowledging the child needed therapy. The court found that Amber did not prioritize decisions that would benefit the child. In light of the foregoing, the district court determined that it was in the child’s best interest to award Clevis primary legal custody of the child.

The aforementioned factual findings made in support of these determinations are supported by substantial evidence. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. While Amber contends those findings were insufficient to award Clevis primary legal custody, this court is not at liberty to reweigh the evidence.⁴ *See Grosjean*, 125 Nev. at 365-66, 212 P.3d at 1080. Accordingly, we conclude that Amber fails to demonstrate the district court abused its discretion. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241.

Attorney fees

Next, Amber challenges the district court’s decision to award Clevis attorney fees. Amber contends the court did not consider her ability to pay the award and that the court’s decision validated Clevis’ attorney’s misconduct. In addition, Amber asserts the district court’s order does not contain a meaningful analysis of the *Brunzell* factors. “The decision to award attorney fees is within the sound discretion of the district court and will not be overturned absent a manifest abuse of discretion.” *Kahn v.*

⁴We note that NRS Chapter 125C does not specifically provide for an award of primary legal custody as a form of legal custody, but we use that term because it was utilized by the district court and referenced by the parties on appeal. *See Rivero*, 125 Nev. at 421, 216 P.3d at 221 (explaining that “one parent may have decisionmaking authority regarding certain areas or activities of the child’s life, such as education or healthcare”).

Morse & Mowbray, 121 Nev. 464, 479, 117 P.3d 227, 238 (2005) (internal quotation marks omitted). An abuse of discretion occurs when the court’s decision is not supported by substantial evidence, *Otak Nev., LLC v. Eighth Jud. Dist. Ct.*, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013), “which is evidence that a reasonable person may accept as adequate to sustain a judgment,” *Ellis*, 123 Nev. at 149, 161 P.3d at 242. When awarding attorney fees in a family law case, the court must consider the *Brunzell* factors and must also consider the disparity in the parties’ income pursuant to *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998). *Miller v. Wilfong*, 121 Nev. 619, 623-24, 119 P.3d 727, 730 (2005).

In addition, under NRS 18.010(2)(b), the district court may award attorney fees to a “prevailing party” when “the court finds that the claim . . . of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party.” This section is to be “liberally construe[d] . . . in favor of awarding attorney’s fees in all appropriate situations.” *Id.* Pursuant to EDCR 5.219, a district court may sanction a party when that party presents “a position that is obviously frivolous, unnecessary, or unwarranted” and for “[m]ultiplying the proceedings in a case so as to increase costs unreasonably and vexatiously.” *See also* EDCR 7.60(b) (stating the same). “[A] claim is frivolous or groundless if there is no credible evidence to support it.” *Roe v. Roe*, 139 Nev. 163, 183, 535 P.3d 274, 293 (Ct. App. 2023) (internal quotation marks omitted).

The district court explained that Amber filed motions that were based upon her false allegations of abuse and her overall conduct significantly prolonged the litigation and increased Clevis’s expenses. In addition, the court reviewed the information Clevis provided in support of

his request for attorney fees, which included billing records. The court also stated that it reviewed the appropriate factors pursuant to *Brunzell*, 85 Nev. at 349, 455 P.2d at 33, and found that they favored awarding fees to Clevis. Amber fails to demonstrate that the district court inadequately reviewed the *Brunzell* factors. See *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015) (explaining it is preferable that the district court “expressly analyze each [*Brunzell*] factor relating to an award of attorney fees,” but the court “need only demonstrate that it considered the required factors, and the award must be supported by substantial evidence”).

Contrary to Amber’s argument, the district court specifically explained that it considered the disparity in the parties’ incomes and explained that it awarded only a portion of Clevis’ sought-after fees to account for the financial disparity between the parties. Considering the foregoing, we conclude Amber does not demonstrate the district court abused its discretion by awarding attorney fees in favor of Clevis.⁵ See *Kahn*, 121 Nev. at 479, 117 P.3d at 238.

Motions to alter or amend

Next, Amber appears to challenge the district court’s decision to deny her motions requesting the court to alter or amend its decisions, contending the district court erroneously did not address investigations by child protective services, interference with her parenting time, or

⁵To the extent Amber challenges the district court’s decision to direct Amber to pay a portion of the costs associated with the testimonies of Dr. Ahmad and Dr. Holland, we conclude she fails to demonstrate the district court abused its discretion. See *Sheehan & Sheehan v. Nelson Malley & Co.*, 121 Nev. 481, 493, 117 P.3d 219, 227 (2005) (explaining the appellate courts review an award of costs for an abuse of discretion); see also NRS 18.005(5) (stating that costs include reasonable fees for expert witnesses).

compliance with additional orders. Amber also appears to assert the district court erred by failing to conduct an evidentiary hearing concerning her motions. We review an order denying a motion to alter or amend for an abuse of discretion. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010). “An abuse of discretion occurs when 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).

The district court explained that it reviewed Amber’s contentions and determined she did not present new facts, evidence, or other bases to justify altering or amending its prior decisions. We conclude Amber does not demonstrate that no reasonable judge would have reached the same conclusions as the district court and she therefore fails to demonstrate the district court abused its discretion. *See AA Primo Builders*, 126 Nev. at 589, 245 P.3d at 1197; *Grosjean*, 125 Nev. at 365-66, 212 P.3d at 1080. Amber does not demonstrate that the district court erred by denying the motion without conducting an evidentiary hearing. *See* EDCR 5.702(a) (“The court may deny a motion at any time.”). Accordingly, Amber is not entitled to relief based on this argument.

Bias

Next, Amber argues the chief judge abused his discretion by denying her request to disqualify the district court judge. Amber contends the district court judge was biased in favor of Clevis’ counsel and against her. 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*, 125 Nev. at 439, 216 P.3d at 233 (internal quotation marks omitted).

Here, the chief judge reviewed Amber’s motion to disqualify the district court judge and the district court judge’s response, in which the district court judge denied improper bias. The chief judge thereafter denied Amber’s motion. In so doing, the chief judge concluded that disqualification was unwarranted because Amber had failed to show the district court judge exhibited improper bias.

We conclude Amber fails to demonstrate the chief judge abused his discretion by denying the motion to disqualify the district court judge. The record supports the chief judge’s finding that Amber failed to establish factual grounds warranting disqualification. *See id.* Moreover, Amber does not demonstrate the district court judge’s decisions in the underlying case were based on knowledge acquired outside of the proceedings and the judge’s decisions do 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”). Amber is therefore not entitled to relief based on this argument. Moreover, Amber 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, Amber is not entitled to relief based on this argument. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁶



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Vincent Ochoa, District Judge
Amber Johnson-Parker
Jones & LoBello
Eighth District Court Clerk

⁶Insofar as Amber 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.

In addition, Amber has filed an emergency motion for a stay of the current parenting time schedule. We have reviewed the motion and the additional supporting documents Amber has filed, and we conclude no relief based upon those submissions is warranted. *See* NRAP 8(d). To the extent Amber attempts to present arguments or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance. *See Ryan's Express Transp. Servs., Inc. v. Amador Stage Lines, Inc.*, 128 Nev. 289, 299, 279 P.3d 166, 172 (2012) (“An appellate court is not particularly well-suited to make factual determinations in the first instance.”).