FILED
Jul 09 2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PHILLIP GRIGALANZ,
Appellant,
vs.
ELIZABETH COPAS,
Respondent.

No. 91619-COA

ORDER OF AFFIRMANCE

Phillip Grigalanz appeals from a district court order dismissing a petition for custody of minor children. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge; Eighth Judicial District Court, Family Division, Clark County; Mary D. Perry, Judge.

Grigalanz and respondent Elizabeth Copas were previously in a romantic relationship during which Grigalanz lived with Elizabeth and her three minor children: K.C., E.C., and J.G. Grigalanz is admittedly not the biological father of any of the children. Following the termination of the relationship, Grigalanz filed a petition seeking custody of the three minor children. The petition additionally named Jose Enrique Gonzalez-Alba[1] as a party, alleging he was the biological and legal father of J.G. Although the petition acknowledged that nonparty Gene Copas was the biological and legal father of K.C., he was not named as a party. Grigalanz generally alleged Elizabeth and Jose had failed to adequately care for the children, and it would be in the children's best interest to award him custody.

[1]Although Alba was named in the petition below, Grigalanz failed to serve him and thus he is not a party to this appeal. As noted below, none of the parents were properly served.

Throughout the course of the proceedings, Grigalanz failed to serve the petition, or any other filing, on any of the parents. Ultimately, the district court held a hearing on Grigalanz's motion for a temporary custody order. At the hearing, the court orally dismissed Grigalanz's petition, finding he lacked standing to seek custody. Before the court entered a written order, Grigalanz filed a motion to disqualify the judge, arguing that during the hearing she raised her voice at him and unfairly judged him. Following the denial of the motion to disqualify, the court entered a written order dismissing Grigalanz's petition for lack of standing. Grigalanz now appeals.

On appeal, Grigalanz challenges the order dismissing his petition for custody and the denial of his motion to disqualify the district court judge.[2] Beginning with the dismissal order, Grigalanz argues the district court erred by dismissing his petition because the undisputed evidence demonstrated he had standing pursuant to NRS 125A.135, and

[2]Grigalanz's notice of appeal also designates a minute order issued on October 15, 2025, as a decision being challenged in this appeal. However, our review of the record confirms there was no minute order issued on that date, but there was a minute order issued October 16, 2026. To the extent Grigalanz intended to appeal the October 16, 2026, minute order, we note minute orders are not generally appealable. *Div. of Child & Family Servs. v. Eighth Jud. Dist. Ct.*, 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004) ("[D]ispositional court orders that are not administrative in nature, but deal with the procedural posture or merits of the underlying controversy, must be written, signed, and filed before they become effective."). To the extent the directives within the minute order are effective in the absence of a written order, no statute or court rule authorizes an appeal. *See Brown v. MHC Stagecoach, LLC,* 129 Nev. 343, 346-47, 301 P.3d 850, 852-53 (2013) (form orders statistically closing a case are not final and appealable).

"persuasive nationwide authority" permits "psychological/de facto parent[s]" to seek custody.[3] We disagree.

This court reviews dismissal of a complaint for lack of standing under the same rigorous, de novo standard as dismissal for failure to state a claim. *See Citizens for Cold Springs v. City of Reno*, 125 Nev. 625, 628-29, 218 P.3d 847, 849-50 (2009) (applying the standard for evaluating a dismissal for failure to state a claim to an order dismissing a complaint for lack of standing). NRS 125A.135 provides the definition of a "person acting as a parent" for the purposes of NRS Chapter 125A. However, simply providing the definition of a "person acting as a parent" does not, by its plain language, confer standing on Grigalanz to seek custody. Notably, "person acting as a parent" is used in only a handful of statutes, such as NRS 125A.325, which provides limitations on when a Nevada court can modify a custody determination issued by a different state court. Likewise, NRS 125A.465(1)(c) provides that a "person acting as a parent *who has been awarded custody or visitation*" may register a foreign custody determination in Nevada. (Emphasis added.)[4] Thus, a review of NRS Chapter 125A and

[3]We note Grigalanz devotes a substantial portion of his fast track statement to providing factual allegations which he admits were not provided to the district court. Because our review is limited to the record before us, we cannot consider Grigalanz's additional allegations. *See Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (providing that this court lacks the "power to look outside of the record of a case" and "cannot consider matters not properly appearing in the record on appeal"). For the same reason, we deny Grigalanz's pending motion to supplement the record on appeal with documents not provided to the district court.

[4]Given NRS 125A.465(1)'s reference to "[a] child custody determination *issued by a court of another state*," (emphasis added), we

the plain language of NRS 125A.135 demonstrate this statute does not provide Grigalanz with standing to seek custody.

Likewise, Grigalanz's reliance on the *in loco parentis* doctrine is unavailing. Grigalanz has not identified any Nevada authority utilizing the *in loco parentis* doctrine to provide standing for an unrelated individual to seek custody of minor children. Instead, our review of Nevada caselaw demonstrates that this doctrine primarily arises within the context of equitable adoption. *See Sargeant v. Sargeant*, 88 Nev. 223, 230, 495 P.2d 618, 623 (1972) (holding the doctrine of equitable adoption does not apply even though the appellant placed himself in the "place of a parent (loco parentis)" as there was no promise to adopt); *see also Frye v. Frye*, 103 Nev. 301, 303, 738 P.2d 505, 506 (1987) (discussing that an individual who places themselves *in loco parentis*, without a promise to adopt, is insufficient to establish equitable adoption). And we are not persuaded by Grigalanz's reliance on extra-jurisdictional authorities. Notably, the authorities Grigalanz cites do not consider or otherwise analyze Nevada laws and thus we conclude Grigalanz's arguments fail to establish he has standing to seek custody. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that are unsupported by cogent argument); *cf. Senjab v. Alhulaibi*, 137 Nev. 632, 633-34, 497 P.3d 618, 619 (2021) ("We will not supply an argument on a party's behalf but review only the issues the parties present.").

We further reject Grigalanz's argument that the district court was required to hold an evidentiary hearing or was otherwise required to

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cannot read NRS 125A.465 as suggesting NRS 125A.135 provides standing for a non-parent to seek custody in the first instance in Nevada.

make best-interest findings before dismissing his petition. Specifically, Grigalanz maintains that even assuming his standing was disputed, the court was nevertheless required to hold a hearing and make "fact-based, best-interest findings" pursuant to NRS 125C.0035(4). Notably, the court did hold a motion hearing, and Grigalanz has failed to demonstrate he was entitled to an evidentiary hearing regarding standing based upon his specific arguments asserted above. *See Myers v. Haskins*, 138 Nev. 553, 558, 513 P.3d 527, 533 (Ct. App. 2022) (holding "evidentiary hearings are designed with this purpose in mind: to resolve disputed questions of fact"). And because this case was resolved through the application of a purely legal question, as Grigalanz conceded he was not biologically related to the children, the court need not hold an evidentiary hearing. Furthermore, NRS 125C.0035's best interest findings are utilized when adjudicating a custody dispute, and because Grigalanz failed to establish he had standing to seek custody, the district court did not need to consider those factors. Thus, relief is unwarranted on this basis.

Because we conclude that Grigalanz failed to demonstrate he had standing based upon his specific arguments, we need not reach Grigalanz's arguments regarding service or judicial bias.[5] Accordingly, we

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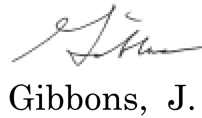
[5]Insofar as Grigalanz raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

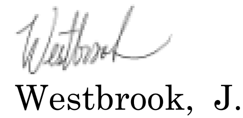
We further deny Grigalanz's emergency motion filed July 6, 2026, as moot.

ORDER the judgment of the district court AFFIRMED.

Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Chief Judge, Eighth Judicial District Court
Hon. Mary D. Perry, District Judge, Family Division
Phillip Scott Grigalanz
Elizabeth Marie Copas
Eighth District Court Clerk