



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SANDRA ADAMS,
Appellant,
vs.
ANTHONY LEE,
Respondent.

No. 91436-COA

ORDER OF AFFIRMANCE

Sandra Adams appeals from a district court order denying a motion to modify child custody. Second Judicial District Court, Family Division, Washoe County; Sandra A. Unsworth, Judge.

Adams and respondent Anthony Lee are involved in a custody dispute involving three minor children: P.L. (born in 2016); G.A. (born in 2018); and E.L. (born in 2020). In April 2021, a California court entered a custody order that awarded both parties joint legal custody of the minor children and awarded Lee primary physical custody. In addition, the order awarded Adams reasonable supervised parenting time and provided Lee with decision-making authority concerning the children's education. In February 2022, Lee filed a petition to register the California custody order in the Second Judicial District Court. The district court granted Lee's petition in April 2022.

In 2024, following filings by both parties challenging the custody arrangement, the district court conducted an evidentiary hearing and thereafter entered a written order. The court determined that it heard

adequate evidence to support the California custody order and declined to modify it on the grounds that there had not been a substantial change in circumstances. The court determined that Adams was entitled to supervised video or in person parenting time through the Family Peace Center while Lee retained primary physical custody and decision-making authority concerning education. In support of its determinations, the district court found Adams had only two in person parenting time interactions with the children in the last 16 months; during the first interaction, E.L. was removed from the Family Peace Center; during the second interaction, Adams was late and P.L. was removed from the Family Peace Center after a period of time due to Adams' failure to exert parental control; and Adams had been previously removed from the Family Peace Center supervised parenting time program due to not presenting for scheduled video calls.

In May 2025, Adams filed a motion to modify the child custody and parenting time arrangement. Adams sought sole legal and sole physical custody, arguing that modification was warranted based on a substantial change in circumstances and that a change in custody was in the children's best interest. Adams alleged the children were not currently enrolled in school; had previously missed a lot of school and were not doing well in school when they had been enrolled; and were being medically neglected. She also alleged that Lee was not communicating with her and was trying to alienate her from the children. Adams further alleged that if the children were in her custody, they would be enrolled in therapy; attend school; their medical needs would be met; and they would be provided with

an emotionally stable and strong support system where they would bond with their other siblings.

Lee filed an opposition explaining (1) the children missed school due to illness; (2) E.L. was now receiving the support he needs through an Individualized Education Plan; (3) Lee arranged therapy and speech services for the children; and (4) in response to Adams' filings concerning an incident involving E.L.'s eye, Lee stated that the incident was investigated by both Child Protective Services and law enforcement, and the case had been closed. Lee also alleged that Adams missed multiple months of parenting time meetings with the children.

The district court conducted an evidentiary hearing and the record indicates it admitted some of the exhibits offered by Adams but not others. The record also indicates that Adams, Lee, Lee's mother, and the district court's Family Service Department Manager K. Materasso, who oversees the Family Peace Center, testified.

Following the hearing, the district court entered a written order denying Adams' motion because she failed to make a prima facie showing of a substantial change in circumstances. The district court based its determination on the following findings of fact. Adams testified at the evidentiary hearing that she did not have contact with the minor children from July 2024 until March 21, 2025; Adams presented only limited evidence that there existed better resources for the children's needs with her in California; and based on Lee having decision-making authority over the minor children's education and his testimony regarding the children's medical providers and the fact that the children were now back in school,

Adams was not entitled to relief on her arguments regarding the children's education and medical needs. Finally, the court ordered that Adams' parenting time would continue to be supervised but if there was a period when the supervised parenting time went well, the parties may agree in writing to eliminate the need for supervision. And if the parties could not agree, the district court explained that Adams could file an appropriate motion seeking to modify that arrangement. This appeal followed.

On appeal, Adams argues the district court abused its discretion by denying her motion to modify the child custody and parenting time arrangement. Adams contends she made a prima facie showing of a substantial change in circumstances because she presented evidence that Lee neglected the children's educational and medical needs; she completed parenting programs; her efforts to maintain her parenting time appointments were thwarted by forces outside of her control, and the court should have credited the information she presented. In addition, Adams contends that continued supervision of her parenting time is unfounded as the factual basis leading to supervised parenting time occurred more than five years ago and there exists no current risk to the children. Adams also appears to argue that the district court abused its discretion by failing to consider the best interest factors in denying her motion.

This court reviews the denial of a motion to modify custody for an abuse of discretion. *Myers v. Haskins*, 138 Nev. 553, 556, 513 P.3d 527, 531 (Ct. App. 2022); *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.'"). 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)). “An abuse of discretion occurs when a district court’s decision is not supported by substantial evidence or is clearly erroneous.” *Bautista v. Picone*, 134 Nev. 334, 336, 419 P.3d 157, 159 (2018). A district court’s factual findings will be upheld so long as “they are supported by substantial evidence, which is evidence that a reasonable person may accept as adequate to sustain a judgment.” *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007). A prima facie case for modification of child custody requires that the movant demonstrate 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, 3, 501 P.3d 980, 982 (2022) (emphasis added), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 535 P.3d 1167 (2023).

The changed-circumstances prong of the foregoing test “is based on the principle of res judicata and prevents persons dissatisfied with custody decrees [from filing] immediate, repetitive, serial motions until the right circumstances or the right judge allows them to achieve a different result, based on essentially the same facts.” *Ellis*, 123 Nev. at 151, 161 P.3d at 243 (alteration in original) (internal quotation marks omitted). And the 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.” *Nance v. Ferraro*, 134 Nev. 152, 153, 418 P.3d 679, 681 (Ct. App. 2018).

The district court considered Adams' arguments, testimony, and admitted evidence, and found that she failed to demonstrate there had been a substantial change in circumstances warranting modification of the existing custody arrangement. In doing so, the district court found that Adams had recently not been in contact with the children, that any benefit the children would experience from services available in California was speculative, and that Lee had addressed concerns regarding the children's educational and medical needs.

Adams challenges these findings and raises arguments on appeal concerning evidence presented at the evidentiary hearing. However, Adams filed a certificate stating that she was not requesting transcripts in this matter.¹ As such, Adams failed to provide this court with a copy of the

¹We note the supreme court issued a notice to Adams in which it instructed her that she had 14 days from the date of the notice to either file and serve a rough draft transcript request form or file and serve a certificate that no transcripts were being requested. The notice also instructed her that appellants who have been granted in forma pauperis status would be eligible to waive the costs associated the preparation and delivery of the transcripts and cited specifically to NRAP 9.

Further, after briefing was complete in this matter, Adams filed a motion seeking to supplement the record on appeal, alleging the district court record was incomplete as it lacked material information, in particular information related to the evidentiary hearing. In response, this court ordered transmission of the original exhibits from the evidentiary hearing and granted Adams the opportunity to pursue correction of the record in the district court. The district court ultimately entered an order denying

evidentiary hearing transcript. *See* NRAP 9(a)(1), (7) (requiring appellants to request transcripts of district court proceedings that are necessary for consideration of the appeal and to provide certified copies of the transcripts). Because Adams did not provide this court with the transcript of the evidentiary hearing, we necessarily presume that the transcript supports the district court's decisions. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev, 598, 603, 172 P.3d 131, 135 (2007) (noting that it is appellant's burden to ensure that a proper appellate record is prepared and that, if the appellant fails to do so, "we necessarily presume that the missing [documents] support[] the district court's decision"). Indeed, without a copy of the relevant transcript, we are unable to meaningfully review any arguments Adams may have concerning evidence presented at the evidentiary hearing and any impact that evidence may have had on the district court's decision to deny her motion for modification of child custody.

Further, the district court properly relied on its prior custody orders in which it determined that Adams' parenting time should remain supervised when it evaluated Adams' May 2025 motion, *see Nance*, 134 Nev. at 153, 418 P.3d at 681, and because the court found that Adams failed to

Adams' motion to correct the record. Following the entry of the district court's order, on June 26, 2026, Adams filed another motion alleging the district court record lacked material information, in particular the evidentiary hearing transcript, and sought this court's intervention to correct the record. However, Adams was given the opportunity to request the evidentiary hearing transcript prior to briefing in this matter yet elected not to do so. In light of these circumstances, we deny Adams' June 26, 2026, motion.

make a sufficient showing of a substantial change in circumstances, it was not required to make findings under the NRS 125C.0035(4) best interest factors, *see Romano*, 138 Nev. at 3, 501 P.3d at 982.² In light of these circumstances, we conclude Adams fails to demonstrate the district court abused its discretion by denying her motion to modify custody. *See Myers*, 138 Nev. at 556, 513 P.3d at 531. Accordingly, Adams is not entitled to relief based on the aforementioned arguments.

Adams next argues the district court erred by failing to admit or by disregarding the evidence she offered at the evidentiary hearing. We review a district court's evidentiary decisions for an abuse of discretion. *Abid v. Abid*, 133 Nev. 770, 772, 406 P.3d 476, 478 (2017). The record indicates that the district court admitted some of the exhibits Adams offered at the evidentiary hearing and rejected others. However, because Adams did not provide this court with the transcript of the evidentiary hearing, we necessarily presume that the transcript supports the district court's decisions regarding the admission of evidence. *See Cuzze*, 123 Nev at 603, 172 P.3d at 135. Moreover, Adams does not provide explanation for the district court's evidentiary decisions or present cogent argument as to why she believes it abused its discretion by declining to admit certain evidence. *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

²Nevertheless, we note that the district court summarily found that it would not be in the best interest of the children to change custody because Adams failed "to have contact with the minor children from July 2024 until March 21, 2025."

issues that are not supported by cogent argument). For these reasons, we conclude Adams fails to demonstrate the district court abused its discretion regarding the admission of evidence Adams offered at the evidentiary hearing. *See Abid*, 133 Nev. at 772, 406 P.3d at 478. Accordingly, Adams is not entitled to relief based on this argument.

Finally, Adams argues her due process rights were violated when the district court allowed Lee, his mother, and Ms. Materasso to testify against her without notice. Adams thus asserts it was error for the district court to rely on this testimony in making its determinations regarding Adams' motion. "[P]rocedural due process requires notice and an opportunity to be heard." *Callie v. Bowling*, 123 Nev. 181, 183, 160 P.3d 878, 879 (2007) (internal quotation marks omitted). A party's due process rights may be violated if the parties are not provided notice that the court will be considering a specific issue, such as parenting time. *Cf. Wallace*, 112 Nev. at 1020, 922 P.2d at 544 (holding that the district court violated a party's due process rights when the party had no notice that the court would be considering the specific issue of parenting time).

It is well established that in child custody matters "the sole consideration of the court is the child's best interest." *Blanco v. Blanco*, 129 Nev. 723, 730, 311 P.3d 1170, 1174 (2013); *see also* NRS 125C.0035(1) (providing that "[i]n any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child"). And there is a preference for child custody matters to be decided on their merits even in circumstances where a party fails to comply with the rules of discovery. *Cf. Blanco*, 129 Nev. at 730, 311 P.3d at 1174 (stating that

child custody issues “must be decided on their merits” when addressing a custody case involving case-concluding discovery sanctions).

We note that, prior to the evidentiary hearing on Adams’ motion, the district court entered an order requiring the parties to participate in the evidentiary hearing and notifying them that procedural due process allowed them the opportunity to be heard. Thus, this order provided Adams notice that Lee would be allowed to testify at the evidentiary hearing about the issues present in the child custody matter. Moreover, while Adams appears to primarily argue it was improper for Ms. Materasso to testify against her without being provided notice, the district court relied mostly on Adams’ and Lee’s testimony in denying Adams’ motion. And, because Adams did not provide this court with the transcript of the evidentiary hearing, it is unclear from the record whether Adams preserved this argument for our review. *See Parodi v. Washoe Med. Ctr., Inc.*, 111 Nev. 365, 368, 892 P.2d 588, 590 (1995) (“Appellate review is generally precluded when the aggrieved party fails to object, assign misconduct, or request an instruction from the lower court.”).

Further, the record shows that issues raised in the parties’ filings related to Adams’ motion to modify custody were generally addressed at the evidentiary hearing; the witnesses were involved in the child custody case; and the record indicates Adams had the opportunity to cross-examine the witnesses, indicating Adams had notice and an opportunity to be heard. *See Mesi v. Mesi*, 136 Nev. 748, 750, 478 P.3d 366, 369 (2020) (“Due process is satisfied where interested parties are given an opportunity to be heard at a meaningful time and in a meaningful manner.” (internal quotation marks

omitted)). Adams fails to explain how these due process protections were inadequate. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

In light of these circumstances, Adams fails to demonstrate her due process rights were violated due to any lack of notice regarding the witnesses who testified at the evidentiary hearing. And, even assuming, without deciding, that any error occurred, Adams fails to meet her burden to demonstrate that any such error was prejudicial and not harmless. *See Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (explaining that, to establish an error is not harmless and reversal is warranted, “the movant must show that the error affects the party’s substantial rights so that, but for the alleged error, a different result might reasonably have been reached”). For these reasons, we

ORDER the judgment of the district court AFFIRMED.³



Bulla, C.J.



Gibbons, J.



Westbrook, J.

³To the extent that Adams raises arguments not addressed in this order, we have considered those arguments and conclude they do not provide a basis for relief.

cc: Hon. Sandra A. Unsworth, District Judge, Family Division
Sandra Adams
Anthony Lee
Washoe District Court Clerk