



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE  
GUARDIANSHIP OF THE PERSON &  
ESTATE OF CISLYN VERONICA  
TAYLOR, A PROTECTED PERSON.

No. 90497-COA

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ALTHEA RUSSELL,  
Appellant,  
vs.  
NICKCOLE TAYLOR AND CISLYN  
VERONICA TAYLOR, A PROTECTED  
PERSON,  
Respondents.

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*ORDER OF AFFIRMANCE*

Althea Russell appeals from the district court's order appointing respondent Nickcole Taylor as guardian of respondent Cislyn Veronica Taylor and her estate and denying Althea's petition for guardianship. Eighth Judicial District Court, Family Division, Clark County; Bryce C. Duckworth, Judge.

Althea and Nickcole filed competing petitions seeking guardianship of their mother, Cislyn. According to the record before this court, Cislyn had been diagnosed with dementia and the family expected her condition to deteriorate. Both Althea and Nickcole had previously cared for Cislyn and aided with her finances pursuant to different trusts and powers of attorney. They each accused the other of financial malfeasance with Cislyn's property during their respective tenures. Cislyn indicated that she preferred if Nickcole acted as her guardian. During the hearing on the petitions, the district court observed that Althea failed to include a physician's certificate as required by NRS 159.044(2)(i)(1); Nickcole filed a physician's certificate supporting her petition in open court. The court

ultimately issued a written order granting Nickcole's petition and appointing her as guardian over Cislyn. In its written order, the district court determined it was necessary and in Cislyn's best interest for Nickcole to be appointed guardian. This appeal followed.

On appeal, Althea argues the district court abused its discretion by granting Nickcole's petition, contending the evidence demonstrated Nickcole is unfit for that role because she had engaged in financial malfeasance prior to appointment as guardian and would not act in Cislyn's best interests. Althea asks this court to "review whether the decision [granting Nickcole's petition] properly acknowledged and respected [Althea's] legal standing, the submitted documentation, and [Althea's] fiduciary role in managing property and personal affairs on behalf of our mother." She also requests that this court review whether her due process rights were denied when the district court disregarded legally submitted evidence and denied her a fair opportunity to be heard.

This court will not disturb a guardianship determination absent an abuse of discretion. *In re Guardianship of D.M.F.*, 139 Nev. 342, 348, 535 P.3d 1154, 1161 (2023). "An abuse of discretion occurs where the district court fails to supply appropriate reasons to support the determination, 'exceeds the bounds of law or reason,' or makes an 'arbitrary or capricious' decision." *Id.* at 348-49, 535 P.3d at 1161 (internal citation omitted) (quoting *In re Eric A.L.*, 123 Nev. 26, 33, 153 P.3d 32, 36-37 (2007)). This court reviews constitutional challenges, including those involving due process, de novo. *See Sw. Gas Corp. v. Pub. Utils. Comm'n of Nev.*, 138 Nev. 37, 45, 504 P.3d 503, 511 (2022).

When seeking a guardianship, "[t]he petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the estate, or of the person and estate is necessary." NRS 159.055(1). "If the court finds that appointment of a

general guardian is required, the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.” NRS 159.054(3). The district court “shall appoint as guardian the qualified person who is most suitable and is willing to serve.” NRS 159.0613(4).

Althea fails to demonstrate that the district court abused its discretion by granting Nickcole’s petition over hers. Althea’s contention that she was not heard on the matter is not supported by the record. Althea was given the opportunity to argue and answer questions from the court in two hearings concerning the competing petitions. *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)). Thus, the court recognized her standing to seek guardianship of Cislyn and allowed her the opportunity to present evidence and testimony in support of her request for guardianship of Cislyn. *See* NRS 159.044(2)(m) (recognizing the standing of a natural child of a proposed protected person to seek a guardianship). As to her contention that the district court failed to consider evidence, she does not specifically identify the evidence she contends the district court failed to consider or allege how that evidence would have affected the court’s decision. *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).

Moreover, the record does not suggest the district court disregarded evidence submitted by Althea, so much as it indicates that the court found Nickcole’s petition more compelling. In the order appointing Nickcole as guardian, the district court did not specifically explain its decision to appoint Nickcole over Althea. However, during the relevant hearing, the court explained its reasoning and we construe the order

appointing Nickcole as guardian in light of its oral findings. *See Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. 886, 895, 266 P.3d 602, 608 (2011) (recognizing that an appellate court may consult the record giving rise to a district court order to construe its meaning when the order is ambiguous). In reaching its decision, at the relevant hearing the district court found Nickcole's appointment as guardian was supported by Cislyn's own stated preference for Nickcole to act as guardian, *see* NRS 159.0613(4)(a) (setting forth preferences in selecting a guardian and giving precedence to the protected person's choice), and also noted Cislyn's aversion to Althea acting as her guardian and refusal to cooperate with Althea, *see* NRS 159.0613(2)(a) (directing courts to consider "[t]he ability of the nominated person, relative or other person to provide for the basic needs of the protected person or proposed protected person including, without limitation, food, shelter, clothing and medical care").

Further, the district court acknowledged that both petitioners alleged financial wrongdoing by the other and that the guardianship would address these matters by providing oversight. *See* NRS 159.073(1)(c)(1)(IV) (requiring a guardian to maintain the assets of the protected person in their or the guardianship's name); NRS 159.085(3), (4) (requiring the guardian to inventory the protected person's property and file that inventory with the court). While Althea challenges the district court's findings, 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, 366, 212 P.3d 1068, 1080 (2009). Therefore, we conclude Althea fails to demonstrate the district court abused its discretion when reaching its guardianship decisions. *See D.M.F.*, 139 Nev. at 348, 535 P.3d at 1161.

Lastly, Althea appears to assert that she is in possession of documents showing that since the district court granted Nickcole's petition, Nickcole and another sister improperly added themselves to deeds for

Cislyn's real property and Nickcole executed a trust that Althea contends is fraudulent. Althea also requests that this court order Nickcole be subject to drug testing. To the extent these assertions encompass behavior occurring after the guardianship appointment, they were not made before the district court in the first instance, and we decline to consider them on appeal. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been [forfeited] and will not be considered on appeal."); *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.").

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
Bulla, C.J.

  
Gibbons, J.

  
Westbrook, J.

cc: Hon. Bryce C. Duckworth, District Judge, Family Division  
Althea Russell  
Legal Aid Center of Southern Nevada, Inc.  
Nickcole Taylor  
Eighth District Court Clerk

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<sup>1</sup>Insofar as Althea 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.