



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CAMRON JAMES CAMPBELL,
Appellant,
vs.
HANNAH CAMPBELL N/K/A HANNAH
STEWART,
Respondent.

No. 91924-COA

ORDER OF AFFIRMANCE

Camron James Campbell appeals from an order of the district court modifying a child custody arrangement. Tenth Judicial District Court, Churchill County; Hon. Thomas L. Stockard, Judge.

Camron and respondent Hannah Stewart married in 2018, they share two minor children, and resided in Fallon, Nevada. The oldest child was born in 2019 and the youngest child was born in 2022. In 2023, Camron filed a complaint for divorce and sought joint legal and physical custody of the children. Hannah subsequently answered the complaint. The parties thereafter reached a settlement agreement to share joint legal and physical custody of the children, and the district court entered a decree of divorce adopting that agreement.

Camron subsequently relocated to Elko County, and, in 2025, he filed a motion requesting to modify the parties' custody arrangement. In his motion, Camron requested the court modify the custody arrangement to provide him with primary physical custody. Hannah opposed the motion, arguing that it was not in the children's best interest to award Camron primary physical custody. Hannah also requested alteration of the parenting time

schedule in recognition of the distance between the parties following Camron's move to Elko County.

The district court conducted an evidentiary hearing concerning the outstanding custody issues. Both parties testified at the hearing and discussed the difficulties they faced due to the lengthy travel times they encountered for the exchanges of the children. The parties also discussed at length the oldest child's behavioral and medical issues and the corresponding treatment that the child received to deal with those issues. Several of that child's care providers also testified at the hearing concerning his ongoing treatment. In addition, both parties' mothers testified concerning their interactions with the parties and the children. Further, an investigator, who was previously appointed by the district court to conduct a custody evaluation, testified concerning her assessment of the custody issues and related written report.

The district court later entered a written order in which it denied Camron's request for primary physical custody and instead awarded Hannah primary physical custody. The district court found the evidence presented demonstrated that Camron's relocation to Elko County and the oldest child's behavioral issues and related diagnoses constituted substantial changes in circumstances affecting the welfare of the children.

The district court also reviewed NRS 125C.0035(4)'s best interest factors and found, based on those factors, that it was in the children's best interest to modify the custody arrangement. The court found that six of the best interest factors favored Hannah while the remaining factors were either neutral or not relevant. In particular, the court noted the oldest child's ongoing treatment in Fallon for his behavioral issues and Hannah's involvement in that treatment. The court also noted that the children have a close bond with Hannah's mother, who also resides in Fallon, and further found that disruption

of the routines and stability the children receive from Hannah could pose problems for the children. Based on those findings, the court determined it was in the children’s best interest to award Hannah primary physical custody of the children. It also elected to maintain joint legal custody. In addition, the court provided Camron with parenting time on one weekend per month with exchanges occurring in Winnemucca and daily phone calls. The district court also entered a holiday and vacation timeshare, notably providing Camron with five weeks of parenting time during the summer school break. This appeal followed.

First, Camron contends that the district court violated his right to due process by awarding Hannah primary physical custody when she did not specifically request that arrangement and, instead, sought to maintain joint physical custody. Hannah responds that Camron was on notice that an award of primary physical custody in Hannah’s favor was possible when he moved to modify custody because the court would have to resolve his request according to the children’s best interest.

We review whether a party’s due process rights were violated de novo. *Eureka Cnty. v. Seventh Jud. Dist. Ct.*, 134 Nev. 275, 279, 417 P.3d 1121, 1124 (2018). “Procedural due process requires notice and an opportunity to be heard.” *Martinez v. Martinez*, 140 Nev., Adv. Op. 73, 559 P.3d 863, 868 (2024) (internal brackets 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” *Id.*

Here, Nevada’s custody statutes put Camron on notice that Hannah could be awarded primary physical custody in response to his motion to modify the physical custody arrangement. When physical custody is at issue, the district court’s “sole consideration . . . is the best interest of the

child[ren].” NRS 125C.0035(1). District courts may award joint or primary physical custody to parents so long as the custody award serves the best interest of the children. *See, e.g.*, NRS 125C.003(1); NRS 125C.0035(1).

Contrary to Camron’s claim, Nevada therefore “allows a district court to modify its custody order consistent with a child’s best interest upon the application of one of the parties and does not limit courts to a particular remedy.” *Martinez*, 140 Nev., Adv. Op. 73, 559 P.3d at 868 (internal quotation marks omitted). In *Martinez*, the supreme court determined that a mother’s due process rights to notice and an opportunity to respond were not violated when the district court awarded the father more parenting time after she moved to limit his parenting time. *Id.* at 867-69. The supreme court explained that the mother “put the specific issue of [parenting time] before the district court” and that “[a]warding increased [parenting time] after a hearing regarding custody and [parenting time] [wa]s squarely within the scope of potential outcomes.” *Id.* at 868. Likewise, here, the issues of custody and parenting time were squarely before the district court and thus Camron had notice of the possible custodial outcomes of the evidentiary hearing.

Further, Camron had an opportunity to be heard on that issue at the evidentiary hearing. Both parties testified concerning the difficulties they faced with the lengthy travel for custodial exchanges following Camron’s move to Elko County. Camron testified why he believed it was in the children’s best interest to reside primarily with him in Elko County and, in contrast, Hannah explained her belief that residing in Fallon benefited the children. The district court’s ultimate decision that an award of primary physical custody in Hannah’s favor was in the children’s best interest does not change the fact that Camron had an opportunity to be heard on this issue. As Camron had both

notice and an opportunity to be heard on the matter of custody, we conclude that his due process argument is without merit.

Second, Camron raises several arguments concerning the district court's determination that six of NRS 125C.0035(4)'s best interest factors favored awarding Hannah primary physical custody and that none favored him. Camron contends the court's findings concerning NRS 125C.0035(4)'s best interest factors were not supported by substantial evidence, as he argues the evidence established Hannah did not consult with him concerning the children's medical or educational issues, she failed to ensure he received his parenting time, and she has mental health difficulties. In addition, Camron contends that the district court's order failed to tie its custody decision to its findings under the best interest factors and that its decision fails to foster frequent associations and continuing relationships with both parents.

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. Moreover, 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). 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).

To establish that a custodial modification is appropriate, the moving party must show 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, 5, 501 P.3d 980, 983 (2022) (internal quotation marks omitted), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 404-05, 535 P.3d 1167, 1171 (2023). The party requesting modification bears the burden to satisfy both prongs. *Ellis*, 123 Nev. at 150-51, 161 P.3d at 242-43. A court may award one parent primary physical custody if it determines that joint physical custody is not in the best interest of the children. NRS 125C.003(1).

Here, as noted previously, the parties testified concerning their relationships with the children and they both explained the difficulties they encountered with the frequent and lengthy trips to Winnemucca to exchange the children while they had a joint physical custody arrangement. Camron also explained the nature of his work in Elko County, stating he had long workdays and did not work a standard workweek. Multiple witnesses, including the oldest child’s physician and behavioral therapist, testified concerning the child’s behavioral issues and explained they viewed a dramatic improvement after the child began using prescription medication to treat those issues. Camron testified that he was not fully advised of those issues and the prescription medications, and also expressed concern that he was not fully advised of the child’s difficulties at school due to the aforementioned behavioral issues. In contrast, Hannah testified that she provided to Camron the relevant information concerning the child’s behavioral issues, his related issues at school, and the treatment program.

Hannah further testified that the oldest child had recently resided with her mother as Hannah was expecting a new baby with her fiancé. The

oldest child later returned to reside with Hannah after the birth of the baby. In addition, multiple witnesses, including Hannah's mother, testified to the close bond the children, and the oldest child in particular, share with Hannah's mother. Hannah also acknowledged that she withheld the children from Camron for short periods out of concern for their safety in his small apartment or due to a fear he would not return them, but she explained she had received poor advice concerning those issues and soon after worked to ensure Camron would have time with the children. Hannah further explained her belief that Camron should be involved in the children's lives.

The district court reviewed the information concerning the parenting time schedules and found that, while Hannah had withheld the children for a time, it had not been done in an attempt to alienate Camron from the children or interfere with his relationship with them. The court found that the issues the parties faced with following the parenting time schedules stemmed from Camron's relocation to Elko County, his work schedule, and his limited availability. The court further found that the oldest child's temporary placement with his maternal grandmother during Hannah's pregnancy constituted a reasonable decision. The district court specifically found that there was no credible evidence of parental alienation.

On appeal, Camron challenges these findings and contends that the district court should have found Hannah improperly withheld the child from him, asserting that the evidence established Hannah did not try to facilitate his in-person parenting time or phone calls with the children. Camron also argues that Hannah should have asked him to care for the oldest child instead of the child's maternal grandmother. However, the aforementioned factual findings are supported by substantial evidence in the record. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. While Camron challenges

the district court's findings and asserts the court should have focused on evidence that was favorable to him, 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).

In addition, the district court noted that Hannah expressed a willingness to facilitate Camron's parenting time and to engage in communication with Camron. The court therefore found that Hannah was more likely to allow the children frequent associations and a continuing relationship with Camron such that this factor slightly favored her. *See* NRS 125C.0035(4)(c). The district court also found that the parties had a high level of conflict and difficulties communicating, resulting in mistrust between the parties. The court found that the conflict was further exacerbated by Camron's move to Elko County and his work schedule. In consideration of those findings, the district court determined that the conflict factor favored Hannah. *See* NRS 125C.0035(4)(d).

Moreover, the district court found that the evidence established that Hannah had the greater capacity to manage the children's needs despite the parties' communication difficulties. Thus, the district court found the communication factor favored Hannah.¹ *See* NRS 125C.0035(4)(e).

¹Camron contends that the district court made several statements during the evidentiary hearing concerning the parties' communications with each other and Hannah's failure to ask her fiancé to facilitate phone calls between Camron and the children. Camron also notes the district court stated it would issue an order ensuring that both parents had a continuing relationship with the children but he asserts its written decision conflicts with that statement. To the extent that the district court's oral pronouncements at the evidentiary hearing differ from its written order, the written order controls, *see Rust v. Clark Cnty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) ("An oral pronouncement of judgment is not valid for any purpose."), and Camron is not entitled to relief based upon this argument.

Further, the district court noted that both parties dealt with mental health issues and that Hannah used marijuana as a treatment tool. The court further found that Hannah's marijuana use as a treatment tool was not improper and that she credibly testified it was stored in a safe manner and that she did not use it in the children's presence. The district court accordingly determined that the mental and physical health factor was neutral. *See* NRS 125C.0035(4)(f).

Next, the district court considered the evidence presented concerning the oldest child's behavioral and related medical issues. The court found that the oldest child's physician credibly testified that his medication regimen resulted in an improvement in his ability to regulate his behavior and emotions, and that removal of medication would likely cause significant regression. The court also found that Hannah was the oldest child's facilitator of the care related to his behavioral issues and that the providers for the child's needs were located in Fallon. The court found that maintaining continuity with these established providers was essential to oldest child's stability and ongoing developmental improvement. The court noted that Camron expressed concerns with the oldest child's diagnoses and treatment but found that Camron had not consistently participated in medical appointments or engaged with treatment providers. The court accordingly found that Hannah was best suited to meet the children's physical, developmental, and emotional needs. *See* NRS 125C.0035(4)(g). In addition, the district court found that Hannah acted as the children's day-to-day caregiver and provided needed stability for the children such that the nature of the children's relationship with her worked in her favor. *See* NRS 125C.0035(4)(h).

Finally, the district court found that the children had a younger half-sibling from Hannah's current relationship with her fiancé and that the

nature of their relationship with that half-sibling favored Hannah. *See* NRS 125C.0035(4)(i).

The district court ultimately explained that, based on its determinations under the best interest factors, the children were thriving under Hannah's care. The court explained that it determined that awarding Hannah primary physical custody of the children was in their best interest. The district court also explained that Hannah has an affirmative duty to facilitate and encourage Camron's parenting time and ongoing relationship with the children.

The aforementioned factual findings made in support of the determinations under the NRS 125C.0035(4) best interest factors are supported by substantial evidence in the record. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. Moreover, contrary to Camron's contentions, the district court's order properly tied its ultimate physical custody decision to its findings under the best interest factors. *See Davis*, 131 Nev. at 451, 352 P.3d at 1143 (stating 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"). Camron does not demonstrate the court's physical custody order failed to foster frequent associations and continuing relationships with both parents. *See* NRS 125C.001(1) (stating the policy for "minor children [to] have frequent associations and a continuing relationship with both parents").

While Camron challenges the district court's findings and decisions concerning witness credibility, and points to testimony favorable to him, 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. Thus, we conclude Camron fails to demonstrate the district court abused its

discretion by determining that, based on the evidence presented at trial, the NRS 125C.0035(4) best interest factors favored Hannah and ultimately deciding to award her primary physical custody of the children.² *See Ellis*, 123 Nev. at 149, 161 P.3d at 241. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Thomas L. Stockard, District Judge
Anderson Keuscher, PLLC
M.J. Caffaratti Law, LLC
Churchill County Clerk

²To the extent that Camron argues he was entitled to additional parenting time and challenges the district court's decisions concerning the parenting time schedule, we conclude he fails to demonstrate the district court abused its discretion in this regard. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241; *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." (internal quotation marks omitted)).

³Insofar as the parties raise arguments that are not specifically addressed in this order, we conclude that they either do not present a basis for relief or need not be addressed.