



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KIMBERLY STEVENS, A/K/A
KIMBERLY LANEY,
Appellant,
vs.
JEFFERSON DAVIS LANEY,
Respondent.

No. 91371-COA

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Kimberly Stevens appeals from a district court order granting a motion to modify child custody, holding her in contempt, and awarding attorney fees and costs. Eighth Judicial District Court, Clark County; Hon. Mari D. Parlade, Judge.

Stevens and respondent Jefferson Davis Laney were married in January 2006 and share three children. Their youngest child, A.L., was born in February 2016 and is the focus of this appeal, as the other children are now over the age of 18. The parties were divorced by a Nevada decree that was entered in September 2021. However, because California was the children's home state under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), the Nevada decree recited that the parties would formulate a custody arrangement in the California courts. In November 2021, the superior court of California entered a judgment pursuant to stipulation granting Stevens primary physical custody and requiring Laney and the children to participate in reunification therapy. The stipulated judgment determined that it was in the best interest of the minor children for the parties and the children

to engage in reunification therapy. The stipulated judgment also obligated the parties to jointly select the reunification therapist, to abide by the treatment and reunification plan, and to follow the parenting time arrangement the therapist set forth.

Reunification was attempted in California through both Kattera Davis, MFT, and Tiara Rolland, MFT. The process was unsuccessful, and the therapists submitted letters that were ultimately admitted into evidence in Nevada recounting interference by Stevens that derailed the reunification process. Subsequently, the parties jointly selected Donna Wilburn, Ph.D., as the reunification therapist.

In May 2023, following a UCCJEA conference, the Nevada district court assumed jurisdiction over the custody matter after the California superior court relinquished it—thereby inheriting and enforcing the parties’ existing reunification framework. Following an enforcement hearing that same month, the district court directed daily 7:00 a.m. video calls between Laney and the children. It ordered that the children “shall have privacy alone with [Laney] during video chats.” Licensed private investigators hired by Laney thereafter conducted surveillance of Stevens on four dates in May and June 2023. On May 27, the investigators observed Stevens transport the children to a park for the scheduled call to Laney and position herself approximately sixteen feet from A.L., while one of the older daughters squatted beneath a picnic table within approximately five feet of A.L. These individuals were apparently not visible to Laney. On May 31 and June 1, investigators observed Stevens employing similar concealment tactics, parking in isolated, low-visibility locations during the scheduled call times and maintaining close proximity to A.L.

At a hearing in August 2023, the district court was advised of the circumstances from the May and June video calls and warned Stevens that violation of the existing orders would be “at her peril” once the California judgment was properly registered. Laney registered the California judgment in Nevada in September 2023 and thereafter moved for an order to show cause (OSC) for contempt, which was granted based in part on, as relevant here, Stevens’s alleged interference with the children’s court-ordered video calls. After the case was reassigned to a new department, the matter proceeded to a two-day evidentiary hearing commencing in January 2025 regarding custody and contempt, where the district court rejected Stevens’s argument that contempt was not properly before the court.

By the time the evidentiary hearing concluded in April 2025, the record reflected substantial completion of the reunification process. Dr. Wilburn testified in January that the initial obstacles to reunification had been resolved, that the process thereafter went extremely well, and that reunification had ultimately been achieved. A.L. was enjoying extended parenting time with Laney, the older children participated in unsupervised parenting time without incident, and no complaints of inappropriate conduct by Laney had been alleged since reunification therapy began in Nevada under Dr. Wilburn. Because Stevens previously had made allegations of possible child sexual abuse, Dr. Wilburn conducted a trauma assessment of the children. She found no indications that they had been abused in either parent’s care, and, as a mandated reporter, Dr. Wilburn made no report of child abuse. Consistent with the California court’s finding that reunification would be in the best interest of the children, she opined that joint physical and joint legal custody of A.L. would be proper and feasible and a modified teenage-discretion arrangement would work for the older children with Stevens retaining custody.

The district court found Dr. Wilburn and Laney credible. As to Dr. Wilburn's testimony, the court found it to be detailed, consistent, and corroborated by her comprehensive report that identified pathogenic parenting by Stevens—including exposure to court documents and reinforcement of fear of Laney—as the primary obstacle to reunification. The court likewise found Laney's testimony credible and corroborated. His testimony detailed Stevens's repeated attempts to interfere with reunification, her exclusion of him from the receipt of the children's school records and participation in school-related decisions, and that Stevens's allegations of sexual abuse were fabricated. In contrast, the court found that Stevens gave inconsistent, evasive, and self-serving testimony. Specifically, Stevens rejected neutral, professional findings, damaging her credibility and revealing a pattern of obstruction in the case—including her refusal to cooperate in reunification and co-parenting efforts unless they conformed to her own narrative. The district court found that she was not credible as to her assertions of cooperation with reunification, the children's education, and interference with video calls, and she could not substantiate her sexual abuse allegations.

In August 2025, the district court entered its findings of fact, conclusions of law, and decree of custody (custody order). On contempt, the court rejected Stevens's lack of notice objection in light of her counsel's receipt of the automated service of the OSC, the *prima facie* finding made by the court when the OSC issued, and the full litigation of the issue at the evidentiary hearing. Finding by clear and convincing evidence that Stevens had the ability to comply with the May 2023 order and willfully disobeyed its privacy requirement, the court held her in contempt on that basis and imposed a 25-day jail sentence, subject to a purge opportunity requiring payment of a \$500

fine, compliance with the court's past and future orders, and payment of reasonable attorney fees incurred as a result of the contempt-related litigation.

On custody, the district court made an express finding that there had been a substantial change of circumstances affecting the welfare of A.L., and extensive findings under the best-interest factors enumerated in NRS 125C.0035(4). The court found several factors either neutral or inapplicable, while five factors strongly favored Laney, *see* NRS 125C.0035(4)(c), (d), (e), (g), (j), and only one, factor (i), favored Stevens. The court further found that Stevens had engaged in pathogenic parenting and a pattern of interference with Laney's parent-child relationship, and it expressly stated that the contempt finding had no bearing on the custodial determination. Although finding that the best-interest factors overwhelmingly favored Laney, the district court awarded the parties joint physical and joint legal custody of A.L. on a week-on/week-off schedule—the relief Laney sought—in part to preserve the bond between A.L., her sisters, and Stevens, while the older children remained subject to a teenage-discretion arrangement. The district court also directed the parties to share the cost of reunification therapy but did not order any further therapy.

Finally, the district court determined that Stevens's conduct unnecessarily prolonged and expanded the litigation, entitling Laney to reasonable attorney fees and costs, and it directed post-decree submissions under *Brunzell* that quantified those amounts.¹ Stevens subsequently appealed the custody order. Thereafter, in October 2025, the district court awarded Laney \$15,000 in reasonable attorney fees and costs despite the \$49,385.50 in fees and \$8,003.25 in costs he had documented.

¹*See generally Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

On appeal, Stevens argues that the district court: (1) applied the wrong governing law by failing to apply Nevada’s recently enacted “Kayden’s Law”² to the reunification therapy process; (2) unlawfully delegated its custody decision-making authority to the reunification therapist; (3) found contempt without a valid OSC and on inadequate findings; (4) modified physical custody without a sufficient showing of changed circumstances or the child’s best interest; and (5) awarded attorney fees and costs in violation of the applicable timing rules. She also alleges bias and requests reassignment to a different district judge on remand. Laney responds that each ruling was within the district court’s discretion and is supported by substantial evidence.

The district court did not err in enforcing the reunification obligation mandated by the stipulated California judgment

Stevens argues the district court failed to apply governing law when it enforced the foreign judgment that was based on a reunification-therapy stipulation because that agreement was not predicated on an independent best-interest finding. She also asserts that Kayden’s Law requires specific findings that treatment is safe and effective and will not harm the child, and bars removing a child from a protective, bonded parent—characterizing Laney as an estranged parent. Because that law became effective in July 2025 and the Nevada custody order issued in August 2025, she maintains the statute controls and that the district court’s failure to apply it renders the original reunification order unsupported and unenforceable. She submits that, because the reunification order cannot stand, the subsequent custody determination and contempt finding should be reversed.

Laney labels Stevens’s argument as a strawman: the district court did not impose a new reunification requirement but enforced the 2021

²See NRS 125C.243; 2025 Nev. Stat., ch. 414 § 5.1(a), at 2657-58.

stipulated California judgment, which Nevada had a duty to recognize. He asserts that the 2021 judgment expressly tied reunification to the best interest of the children,³ that the district court’s finding that the stipulation was properly agreed to and entered before Nevada assumed jurisdiction necessarily reflects a best-interest determination owed deference. Further, because Nevada did not independently issue the reunification requirement, Kayden’s Law does not apply. Finally, he also disputes Stevens’s estranged-parent characterization, contending that any estrangement resulted from her own interference with reunification.

The parties’ competing characterizations implicate the controlling standard of review. Stevens frames the district court’s decision to modify child custody as legal error—contending the custody order omitted specific findings compelled by Kayden’s Law—reviewed *de novo*; Laney contends Kayden’s Law did not control the legal analysis and frames the custodial modification as a discretionary determination entitled to deference under the substantial-evidence standard. Our review of the reunification issue thus involves two inquiries as both parties are correct in part, asking: (1) whether Kayden’s Law impacts the custody order on appeal; and (2) whether the district court’s reunification-related findings are supported by substantial evidence.

In any custody determination, the sole consideration is the child’s best interest. *See* NRS 125C.0035(1). That determination belongs to the court, but a stipulation between the parties may narrow a dispute without dictating the court’s ultimate decision. *Lewis v. Lewis*, 53 Nev. 398, 411-13, 2 P.2d 131,

³Specifically, the stipulated judgment required the parties to jointly select the reunification therapist, to abide by the treatment and reunification plan, and to follow “the visitation arrangement that the reunification therapist sets forth as the best interest of the minor children.”

136-37 (1931) (emphasizing that Nevada courts retain discretion to adopt, reject, or modify stipulations or agreements between parties); *see also Fernandez v. Fernandez*, 126 Nev. 28, 34-36, 222 P.3d 1031, 1035-36 (2010) (affirming a child-support modification despite the parties' settlement agreement to other terms); *Mizrachi v. Mizrachi*, 132 Nev. 666, 671-72, 385 P.3d 982, 985-86 (Ct. App. 2016) (recognizing that public policy favors honoring the parties' parenting agreements absent a formal motion to modify). And a fit parent's choice to stipulate to a custody agreement is presumed to be in the child's best interest. *St. Mary v. Damon*, 129 Nev. 647, 658-59, 309 P.3d 1027, 1035-36 (2013) (noting the presumption that fit parents act in their children's best interest and that public policy favors parents' agreements resolving custody-related issues) (citing *Troxel v. Granville*, 530 U.S. 57, 68-69 (2000)).

Where, as here, a custody determination originates in a foreign court and Nevada assumes jurisdiction, the UCCJEA requires Nevada courts to recognize and enforce that determination. NRS 125A.475(2) ("A court of this state shall recognize and enforce, but may not modify except in accordance with NRS 125A.305 to 125A.395, inclusive, a registered child custody determination of a court of another state."). A Nevada court may decline enforcement only where the foreign order was summarily issued without the substantive findings required by the rendering state's law. *See Ferguson v. Krepper*, 83 Nev. 408, 410-11, 432 P.2d 668, 669-70 (1967) (reversing extension of full faith and credit to a foreign custody order summarily issued without the change-of-circumstances showing required by the rendering state's law). Thus, the district court correctly applied governing law when it enforced the stipulated foreign judgment that included reunification therapy because that judgment was predicated on a proper best-interest finding.

Kayden’s Law, *see* NRS 125C.243; 2025 Nev. Stat., ch. 414 § 5.1(a), at 2657-58, which was enacted after the evidentiary hearing concluded in this case but took effect before the district court issued its written custody order, limits court-ordered reunification therapy. An order for therapy may not remove a child from, or restrict a child’s contact with, a fit, protective, non-abusive, and bonded parent for the purpose of repairing the child’s relationship with the other parent, and a court may not order reunification absent findings that the treatment is safe and effective and will not harm the child or isolate the child from a parent satisfying those criteria. NRS 125C.243. Here, Stevens invokes authorities to suggest courts apply the law in effect at the time of decision absent contrary statutory direction. *See League to Save Lake Tahoe, Inc. v. Trounday*, 598 F.2d 1164, 1172 (9th Cir. 1979); *see also Bradley v. Sch. Bd. of Richmond*, 416 U.S. 696, 711-12 (1973). But Nevada law presumes that statutes operate prospectively unless the legislature clearly manifests a contrary intent; a statute operates retroactively when it removes or impairs vested rights or imposes new obligations on past transactions, with courts guided by “fair notice, reasonable reliance, and settled expectations.” *Pub. Emps.’ Benefits Program v. LVMPD*, 124 Nev. 138, 154-56, 179 P.3d 542, 553-54 (2008) (internal quotation marks omitted).

Here, Kayden’s Law does not impact the custody order at issue. The statute constrains a district court’s issuance of an order mandating reunification therapy, but the reunification obligation here did not originate in Nevada, nor did the Nevada custody order require reunification therapy. Rather, reunification therapy arose from the 2021 stipulated California judgment, and Nevada authorities do not compel a district court’s divergence from a stipulated judgment. *Lewis* establishes that a court is not bound by the parties’ stipulation—a court may depart from a stipulation when the facts or

controlling law so require—but *Lewis* does not *mandate* such a departure nor hold that the rule applies retroactively to set aside an existing judgment years later. *See* 53 Nev. at 412, 2 P.2d at 136. Stevens identifies no authority that obligated the district court to disregard the parties’ stipulated California judgment employing a therapeutic reunification plan. Nor does *Ferguson*’s exception—whether the foreign court followed the governing procedural and substantive requirements, here a best-interest finding—support her position. *See Ferguson*, 83 Nev. at 410-11, 432 P.2d at 669-70. The California court’s approval of and reliance on the reunification stipulation satisfies the best-interest inquiry under *St. Mary*’s best-interest presumption. *See* 129 Nev. at 658-59, 309 P.3d at 1035-36.

Further, Stevens makes no persuasive argument demonstrating that the Nevada court was mandated to engage in an independent reunification analysis upon a stipulated judgment, especially when she made no such motion in the underlying proceedings. *See Mizrachi*, 132 Nev. at 671-72, 385 P.3d at 985-86. Moreover, Stevens did not appeal the California judgment nor object to its underlying reunification requirement in Nevada. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52-53, 623 P.2d 981, 983-84 (1981) (declining to consider issues that were not raised before the district court); *cf.* NRS 47.040(1)(a) (stating that error may not be predicated on the admission of evidence without a timely objection).

The colloquy in August 2023 between the district court and parties regarding registration of a foreign judgment concerned NRS 125A.465(1)(a)-(c), (2)-(6), plus the cross-referenced sections—NRS 125A.305 (jurisdiction of issuing court), 125A.255 (notice standards), and 125A.385 (disclosures of

information to the court).⁴ It was recognized that reunification was imposed in California and that the district court would not make an independent reunification analysis. Specifically, the court found Stevens had no valid substantive ground to contest the registration of the stipulated California judgment under 125A.465(6) because she stipulated to it—and Stevens’s counsel conceded on the record to the court’s pronouncement that Stevens lacked legal grounds to contest registration by stating to the court, “I think that you are safe.” Therefore, on this record, Stevens did not raise a jurisdictional challenge and, ultimately, conceded the stipulated California judgment could be enforced in Nevada.⁵

Stevens’s argument that this court accept a rule that applies the law in effect at the time of issuance of the custody order, Kayden’s Law—which became effective in July 2025 and contains no retroactive command—does not reach enforcement of an extra-jurisdictional order issued in 2021. Applying the new statute’s finding requirements to invalidate a reunification obligation fixed by the 2021 California judgment and enforced by Nevada under the

⁴It should be noted that Laney did not seek expedited enforcement, *see generally* NRS 125A.475, because he registered under 125A.465(1), which expressly permits registration “with or without simultaneous request for enforcement.” Enforcement of the California stipulated judgment thereafter proceeded in normal course through the district court’s own temporary orders and contempt practice.

⁵*See Eivazi v. Eivazi*, 139 Nev. 408, 429, 537 P.3d 476, 494 (Ct. App. 2023) (stating that the doctrine of invited error contemplates “that a party will not be heard to complain on appeal of errors which [she herself] has introduced or provoked the court or the opposite party to commit” (quoting *Pearson v. Pearson*, 110 Nev. 293, 297, 871 P.2d 343, 345 (1994))); *Chadwick v. State*, 140 Nev. 104, 115, 546 P.3d 215, 227 (Ct. App. 2024) (stating that “an appellant is not entitled to relief if they induced or provoked the error in the trial court” (internal quotation marks omitted)).

UCCJEA from 2023 would impair settled expectations. *See* NRS 125A.475(2); *Pub. Emps.’ Benefits Program*, 124 Nev. at 154-56, 179 P.3d at 553-54. Thus, we conclude that, under the circumstances presented here, especially where the custody order included no requirement for further reunification therapy, Stevens’s arguments grounded in a retroactive application of Kayden’s Law do not provide a basis for relief.

Upon review for an abuse of discretion, Stevens’s argument is also unavailing. She argues that reunification remained ongoing when the custody order issued—an assertion plainly repelled by the district court’s findings and custody order. Further, Stevens raised this specific issue for the first time in her reply brief, leaving Laney no avenue to respond, and she represented in her pretrial memorandum that reunification was complete—a finding of fact the custody order reflects. *See Weaver v. State, Dep’t of Motor Vehicles*, 121 Nev. 494, 502, 117 P.3d 193, 198-99 (2005) (explaining that this court need not consider issues raised for the first time in an appellant’s reply brief); *see also* NRAP 28(c) (stating reply briefs must be limited to answering any new matter set forth in the answering brief); *Detwiler v. Eighth Jud. Dist. Ct.*, 137 Nev. 202, 204 n.3, 486 P.3d 710, 714 n.3 (2021) (stating that consideration of legal arguments not properly presented “will almost never be appropriate” (quoting *Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 822, 407 P.3d 702, 708 (2017))). Thus, we need not further consider Stevens’s argument.

We also note that Stevens did not move to reopen the proceedings to apply the new law before the district court issued its custody order in August 2025, nor did she file any post-judgment motions to amend or for reconsideration. *See* NRCP 52(b), 59(e); EDCR 5.516. Indeed, Stevens did not mention Kayden’s Law until her opening brief on appeal. And even if she had properly pursued the issue, Dr. Wilburn’s testimony—which the district court

found credible and consistent—is substantial evidence that reunification had been achieved, notwithstanding the evidence Stevens cites suggesting reunification was ongoing. Weighing that conflicting evidence and assessing the therapist’s credibility was the district court’s task—it is not ours. *See Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007) (“[W]e leave witness credibility determinations to the district court and will not reweigh credibility on appeal.”). Accordingly, Stevens is not entitled to any relief on this issue.

The district court did not improperly delegate its custody decision-making authority

Stevens argues that the district court improperly delegated power to modify custody to Dr. Wilburn. She claims the 2021 California stipulated judgment directing the parties to follow the recommendations of the therapist functionally gave Wilburn the power to unilaterally make custody determinations by allowing her to repeatedly adjust the parenting time schedule between Laney and A.L. with no court supervision for over two years. She also asserts that Dr. Wilburn demonstrated bias towards Laney and that Wilburn’s concealment of several ethical violations compounded bias concerns.

Laney responds, agreeing that Nevada law prohibits delegation of authority to modify child custody arrangements, but asserting that no delegation occurred because the district court expressly limited Dr. Wilburn’s power to reunification therapy while retaining ultimate decision-making power. He also argues that Stevens’s view would render reunification therapy unworkable because its very nature requires regular incremental increases in contact between parent and child. Stevens replies that Laney’s explanation does not cure the delegation problem because the real issue is whether the district court exercised its authority, not whether it nominally claimed to.

The Nevada Supreme Court has recognized that third-party parenting coordinators serve an important function by helping facilitate

resolution between parents, particularly in high-conflict cases. *See Bautista v. Picone*, 134 Nev. 334, 336-37, 419 P.3d 157, 159 (2018). But custodial-determination power belongs exclusively to the court and cannot be delegated, though a court can appoint a third party to perform limited quasi-judicial duties without offending this rule. *Id.* at 337, 419 P.3d at 159-60 (citing *Cosner v. Cosner*, 78 Nev. 242, 245, 371 P.2d 278, 279 (1962)). However, any delegated authority must be limited to non-substantive matters and cannot extend to modifying the ultimate custody arrangement—including a significant change to a parent’s timeshare. *Id.*; *Roe v. Roe*, 139 Nev. 163, 172, 178, 535 P.3d 274, 285-86, 290 (Ct. App. 2023) (clarifying that a court abuses its discretion when it anchors post-order increases in custodial time to third-party discretion); *see also Harrison v. Harrison*, 132 Nev. 564, 572, 376 P.3d 173, 178 (2016) (explaining improper delegation of judicial authority does not occur by appointing a professional to serve a limited function).

Here, the custody order considered and limited Dr. Wilburn’s role to therapeutic services, and the district court retained final authority.⁶ The schedule adjustments that Stevens alleges violate *Roe*—incremental increases to A.L.’s parenting time with Laney per Dr. Wilburn’s recommendations in the context of reunification therapy—is reasonably understood as therapeutic progress rather than prohibited custody modification under the specific facts of this case. Unlike the coordinator in *Bautista* or therapist in *Roe*, Dr. Wilburn never held ultimate decision-making authority over the timeshare—her incremental therapeutic adjustments implemented the stipulated California

⁶The district court stated that “[t]he sole duty/responsibility of the reunification therapist was to provide reunification therapy and if at all possible, accomplish the same and obviate the need for such therapy so that [Laney] could enjoy reasonable visitation with his children without restriction(s).”

judgment's reunification directive, subject at all times to the court's supervision and ultimate custody order.

Stevens originally agreed to these provisions in California and appears not to have preserved a challenge to the incremental adjustments while they operated. Her objections below—pressed principally at the August 2023 hearing—were directed at the registration of the California judgment under NRS 125A.465 and at the asserted absence of an underlying best-interest determination, not at the step-ups in parenting time themselves. Moreover, when the district court observed that it assumed Stevens disagreed with Dr. Wilburn's recommendation for unsupervised parenting time, Stevens returned to the registration argument but did not argue that the time adjustment was based upon an improper delegation of authority to Dr. Wilburn. Indeed, Stevens represented that nothing before the court showed that she had failed to comply with the recommendations in Dr. Wilburn's report. As the schedule thereafter expanded—first to unsupervised contact, then ultimately to the 3-4-4-3 parenting time rotation for A.L.—no motion or objection contesting those adjustments is identified by Stevens in the record, and the increased parenting time proceeded with both parties' participation through the evidentiary hearing. A delegation theory aimed at those adjustments therefore appears for the first time on appeal, and this court need not consider it. *See Old Aztec Mine*, 97 Nev. at 52-53, 623 P.2d at 983-84 (holding points not advanced before the district court are forfeited on appeal); *see also Eivazi v. Eivazi*, 139 Nev. 408, 429, 537 P.3d 476, 494 (Ct. App. 2023) (stating the doctrine of invited error).

That Dr. Wilburn's recommendations ultimately resulted in Laney's joint physical custody does not retroactively transform therapeutic implementation into judicial delegation under these circumstances. To

Laney's point, concluding otherwise would have made reunification therapy unworkable in this unique case, and would undermine Nevada's public policy goals of children having frequent associations and a continuing relationship with both parents after divorce with the parents sharing the rights and responsibilities of child rearing. *See* NRS 125C.001(1), (2). Here, the terms of the stipulated judgment met those goals and its stated purpose of acting in the best interest of the children. *Cf. Mizrachi*, 132 Nev. at 671-72, 385 P.3d at 985-86. Having never sought to formally modify the underlying stipulated judgment as to reunification, Stevens cannot now recast her compliance with its terms as invalid because of improper delegation. Finally, Stevens's bias and nondisclosure allegations against Dr. Wilburn are not cogently argued and they ask this court to make a credibility determination or reweigh the evidence, which we will not do. *See Ellis*, 123 Nev. at 152, 161 P.3d at 244. She is therefore not entitled to relief on this issue.

The district court did not abuse its discretion in holding Stevens in contempt

Stevens argues that no valid OSC authorized the contempt proceeding. She contends that the August 2023 OSC lost viability when its contemplated hearing date passed; the absence of a valid OSC defeated her statutory right to an impartial jurist under NRS 22.030(3); the district court conflated civil and criminal contempt; and the directive that the children have "privacy alone with [Laney]" was too ambiguous to support a contempt finding. Laney responds that the district court independently reviewed the OSC and adjudicated only the non-deficient count. He also submits that Stevens litigated this count to conclusion without objection, and that the sanction was civil in nature because it included a purge opportunity. We agree with Laney.

A contempt adjudication is reviewed for an abuse of discretion, although purely legal questions embedded in a contempt challenge are

reviewed de novo. *Detwiler*, 137 Nev. at 206, 486 P.3d at 715; *see also Pengilly v. Rancho Santa Fe Homeowners Ass’n*, 116 Nev. 646, 650, 5 P.3d 569, 571 (2000) (“Whether a person is guilty of contempt is generally within the particular knowledge of the district court, and [its] order should not lightly be overturned.”). In Nevada, an affidavit compliant with NRS 22.030(2) is a jurisdictional prerequisite to an indirect contempt proceeding. *Awad v. Wright*, 106 Nev. 407, 409, 794 P.2d 713, 714 (1990), *abrogated on other grounds by Pengilly*, 116 Nev. at 649, 5 P.3d at 571.

Here, the district court did precisely what Nevada jurisprudence requires. Namely, it scrutinized the supporting affidavit, and proceeded on the only count in which the supporting affidavit correctly cited the operative order. The record further reflects that the OSC was served, re-served, and—by counsel’s on-the-record acknowledgment—was the same OSC. Stevens identifies no authority directly on point holding that a validly issued OSC is extinguished when its noticed hearing date is continued or vacated. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court will not consider issues unsupported by cogent argument). EDCR 5.509 suggests the opposite—expressly authorizing the court to reset the hearing and contemplating “any subsequent hearing after issuance of an OSC.” EDCR 5.509(c)(3), (e). Additionally, Stevens litigated count 4 to conclusion over the two-day evidentiary hearing without procedural objection.

Further, NRS 22.030(3) supports the position that the statute’s protection applies only upon the objection of the person charged, and the timeliness of the objection is essential. *See Detwiler*, 137 Nev. at 207-08, 486 P.3d at 717 (emphasizing that grounds for disqualification of a judge are forfeited if not asserted before the contempt hearing). Stevens did not object

before the January 2025 evidentiary hearing. And, in any event, the statutory concern—a judge enforcing her own orders—was never implicated because the judge who tried the contempt did not issue the underlying OSC. *See Awad*, 106 Nev. at 410-11, 794 P.2d at 715 (explaining that the different-judge provision exists to eliminate any reasonable apprehension of bias where a judge enforces her own orders). Moreover, although not argued by the parties, we note that a different judge is generally not required in family court contempt proceedings. *See* NRS 22.030(3)(b) (permitting the judge whose order was allegedly violated to preside over an indirect contempt proceeding, notwithstanding the party’s objection, when the underlying matter falls within the family court’s jurisdiction). Thus, Stevens’s procedural arguments regarding the resulting contempt order do not provide a basis for relief.

Stevens’s merits-based challenges fare no better. An affirmative contempt finding requires an order that “spell[s] out the details of compliance in clear, specific and unambiguous terms.” *Cunningham v. Eighth Jud. Dist. Ct.*, 102 Nev. 551, 559-60, 729 P.2d 1328, 1333-34 (1986). Unlike the unrecorded telephonic directive relayed secondhand that was held too vague in *Cunningham*, the May 2023 order was written, entered, and singular in its command—the children shall have privacy alone with Laney during video chats—and Stevens stationing herself and an older daughter within approximately sixteen and five feet, respectively, of A.L. during the May 27 call is not “privacy alone” under any reasonable reading. The district court’s finding of willful violation rests on clear and convincing evidence, including surveillance conducted by private investigators who proffered their investigative findings to the court and were found credible. *See* NRS 22.010(3).

Stevens also challenges the district court’s contempt findings by way of a civil-versus-criminal distinction, but the language of the custody order

contains exactly the purge mechanism whose absence has compelled vacatur in past Nevada cases. *See Lewis v. Lewis*, 132 Nev. 453, 457-58, 373 P.3d 878, 880-81 (2016) (holding a contempt order sentencing a father to 80 days in jail for failure to pay child support was criminal in nature where the sentence was stayed only on the condition that he follow future court orders and the order contained no true purge clause); *see also Rodriguez v. Eighth Jud. Dist. Ct.*, 120 Nev. 798, 813-14, 102 P.3d 41, 51 (2004) (concluding that the confinement of a father for failing to pay child support was civil where he could purge the contempt and secure his release by complying with the court's purge conditions). Consistent with those authorities, the sanction issued by the court here was civil in character because it was conditional: Stevens could avoid the 25-day jail sentence by paying the \$500 fine, maintaining compliance with the court's directives, and satisfying the award of reasonable attorney fees and costs Laney incurred in litigation of the contempt action—sanctions the court found “appropriate and necessary to enforce compliance, repair the parent-child relationship, and prevent further harm.” *See* NRS 22.100.

In sum, the district court here proceeded with reasonable notice on a valid, affidavit-supported count that Stevens litigated to conclusion without proper objection. The underlying order was clear, specific, and unambiguous. Clear and convincing evidence supports the finding of a willful violation, and the conditional nature of the sanction preserved its civil character. We therefore conclude the district court acted within its discretion in its contempt determination.

The district court did not abuse its discretion in modification of the custodial arrangement

Stevens argues that no substantial change in circumstances was established, successful reunification is not a changed circumstance, the best-interest findings were inadequate and untethered to the statutory factors, and

that the modification improperly punished her for perceived misconduct. Laney responds that both the substantial-change and the best-interest determinations are supported by substantial evidence, including the documented reunification progress, the interference findings, and the district court's credibility determinations. We agree with Laney.

This court reviews child custody determinations for an abuse of discretion and 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." *Ellis*, 123 Nev. at 149, 161 P.3d at 242. A district court may modify a joint-physical custody arrangement only when the movant demonstrates 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); *see also Ellis*, 123 Nev. at 150, 161 P.3d at 242 (articulating a two-prong custodial modification inquiry).

Both *Ellis-Romano* prongs are satisfied here. As to changed circumstances, the custody order contains an express finding that Laney successfully established a substantial change in circumstances as to A.L. in that reunification between him and A.L. had been achieved, and that as a result, A.L. enjoyed expanded parenting time with her father—a development the district court characterized as a substantial change in circumstances affecting the welfare of the child. This finding was not conclusory. Indeed, there was a wholesale restoration of a previously severed parent-child relationship. *See id.* at 152, 161 P.3d at 243-44 (finding a four-month decrease in a child's academic performance to be a substantial change in circumstances);

cf. Romano, 138 Nev. at 5-6, 501 P.3d at 983-84 (affirming a denial of custodial modification where nothing material had changed since the parties adopted their custodial schedule). The court rested on the transformation of the parent-child relationship from limited supervised contact under a reunification protocol to unsupervised extended contact, and a therapeutically validated bond that Dr. Wilburn—whose testimony the court repeatedly credited as reliable—described as achieved, with no concerns regarding A.L. and Laney’s relationship. The custody order also acknowledged the *Ellis* admonition that district courts should not take the changed-circumstances prong lightly, confirming the court applied the correct threshold rather than nominally citing it. *See* 123 Nev. at 151-52, 161 P.3d at 243-44.

Here, the transformation of the parent-child relationship was not incidental to the California stipulated judgment—it was the objective. When the parties stipulated to the reunification process in 2021, they agreed that Laney and the children would participate in reunification therapy, and the resulting order tasked the reunification professional with a single objective—which was to accomplish reunification and, if possible, obviate the need for further therapy so that Laney could exercise reasonable, unrestricted parenting time with his children. The parties likewise bound themselves to take reasonable steps to ensure reunification went forward timely and in good faith toward “re-establishing the parent/child relationship.” By the conclusion of the evidentiary hearing in 2025, that endpoint as contemplated in 2021 had been reached. The circumstances existing when the stipulated judgment was entered—a severed relationship requiring therapeutic intervention—had given way to the very outcome the order was designed to produce, which is the paradigm of a change affecting the welfare of the child measured from the entry of the operative order.

As to the best-interest requirement, the district court made express, detailed factor-by-factor findings under NRS 125C.0035(4); addressed factors individually; and tied its determinations to specific testimony and exhibits. Several factors were found neutral or inapplicable and thoroughly explained. Those neutral findings are significant because they demonstrate that the court did not treat every factor as a cudgel against Stevens but rather weighed each on its own evidentiary footing. *Sims v. Sims*, 109 Nev. 1146, 1149, 865 P.2d 328, 330 (1993) (clarifying a change of custody may not be used “as a sword to punish parental misconduct”).

Applying the best-interest factors the district court found to favor modification, these were supported by detailed, corroborated findings. On factor (c)—which parent is more likely to allow frequent associations with the noncustodial parent—the court concluded that the totality of the evidence established that Stevens was not the parent who was more likely to allow A.L. to have frequent associations and a continuing relationship with her father, even while crediting that Stevens ultimately complied with therapeutic reunification and accommodated Laney’s requests for increased time. The finding rested on Laney’s detailed, credible, and consistent testimony, corroborated by three separate therapists—Rolland, Davis, and Dr. Wilburn—as well as an investigator’s testimony and report and an extensive video record establishing that Stevens interfered with virtual visits. The district court found that A.L.’s “demonstration of fear and confusion during scheduled video calls is a learned response, not an instinctive one,” and that Stevens’s conduct “fractured the trust necessary for reunification.”

Related findings also demonstrated that substantial evidence supported the district court’s conclusion that factors (d), (e), (g), and (j) strongly supported Laney. Drawing on Dr. Wilburn’s clinical reports, the court

determined that Stevens’s conduct—“through inappropriate information sharing, reinforcement of fear, emotional enmeshment, triangulation, and failure to support reunification”—caused psychological harm to the children and significantly obstructed the therapeutic process. The court further found that Stevens engaged in conduct that amounted to “pathogenic parenting,” which Dr. Wilburn described as psychologically abusive parenting. On factor (e), cooperation, the court found Stevens unilaterally made educational decisions for the minor children without meaningful consultation, a practice Stevens herself admitted in part. And on A.L.’s developmental needs, the court found Stevens’s testimony about the children’s education “vague, evasive and self-serving,” crediting Laney’s testimony and the documentary exhibits showing incomplete homework packets and the older children behind on graduation timelines. The court separately found Laney’s and his reunification witnesses’ testimony “significantly more credible and probative than [Stevens’s] self-serving and disingenuous testimony” on her cooperation with therapy. These findings were further corroborated by Dr. Wilburn’s report that Laney demonstrated emotional regulation, is attuned to the children’s needs, and is open to change. The district court, however, found the sibling-relationship factor (i) favored Stevens for the sake of the sibling bond, and it gave that finding meaningful weight.

Ultimately, although the district court concluded that “the vast majority of the best interest factors overwhelmingly favor custody to be modified in [Laney’s] favor,” it declined to award primary physical custody because Laney sought only joint custody at trial and because of the close relationship between Stevens and A.L., as well as “in the interest of preserving the sibling bond between [A.L.] and her sisters.” This record does not establish that the court was bent on punishing Stevens. Rather, the measured nature

of the disposition is itself evidence of reasoned, child-centered decision-making and not the retributive determination Stevens alleges.

Nor does the record support Stevens's suggestion that the modification was punishment for the contempt. *See Sims*, 109 Nev. at 1149, 865 P.2d at 330. The district court confronted any *Sims*-related concerns directly, expressly stating that “whether or not [Stevens] is found to be in contempt of Court has no bearing on the custodial determination herein.” It then explained precisely how it would use the underlying conduct, not as contempt, but because Stevens's “behaviors in impeding the phone calls between the children and [Laney]” impacted enumerated best-interest factors—identifying factors (c), (d), (e), (g), (h), and (j) by letter. That is exactly what the analytical separation in *Sims* requires; the misconduct was considered only insofar as it spoke to the statutory factors, most directly which parent is more likely to allow the child frequent associations with the noncustodial parent, not as punishment. *See* NRS 125C.0035(4)(c); *cf. Lewis*, 132 Nev. at 458-60, 373 P.3d at 881-82.

Stevens's remaining contentions amount to a request that this court reweigh the evidence and the district court's credibility determinations, which we will not do. *Ellis*, 123 Nev. at 152, 161 P.3d at 244 (“[W]e leave witness credibility determinations to the district court and will not reweigh credibility on appeal.”). Ultimately, the findings set forth in the custody order are express, tied to specific evidence, internally consistent, and each is supported by substantial evidence. Therefore, the district court did not abuse its discretion in modifying physical custody.

This court lacks jurisdiction to review the district court's order awarding attorney fees and costs

Stevens next presents arguments challenging the award of attorney fees and costs, asserting that Laney's fee request was untimely under

NRCP 54(d), that the verified memorandum of costs was filed late under NRS 18.110(1), and that the award lacks the findings required under *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). Laney responds that his entitlement to fees and costs was adjudicated in the custody order itself, and that the later filings merely quantified the amounts within the court-ordered windows. We do not reach the merits of these arguments, however, because the district court’s order awarding attorney fees and costs is not properly before this court as a part of this appeal.

Here, to the extent Stevens challenges the portion of the district court’s custody order awarding attorney fees and costs, that order did not finally resolve the fee and cost issues because it contemplated further motion practice concerning the amount of attorney fees and costs to award, followed by entry of a final order resolving those issues. *See Rennels v. Rennels*, 127 Nev. 564, 569, 257 P.3d 396, 399 (2011) (providing that a final order “disposes of the issues presented” leaving “nothing for the future consideration of the court” (internal quotation marks omitted)). Ultimately, because the attorney fees and costs issues were not finally decided at the time Stevens filed her notice of appeal, her appeal was premature as to those issues.

Moreover, an award of attorney fees and costs is independently appealable, and once the district court entered an order finally resolving those issues, nothing prevented Stevens from separately appealing the district court’s final order regarding attorney fees and costs—she simply did not do so. *See Smith v. Crown Fin. Servs. of Am.*, 111 Nev. 277, 280 n.2, 890 P.2d 769, 771 n.2 (1995) (“The order of the district court awarding attorney fees and costs is a special order made after final judgment. As such, it is appealable pursuant to NRAP 3A(b)([8]).”); *see also* NRAP 4(a)(6) (providing that a premature notice of appeal does not divest the district court of jurisdiction). Stevens’s attempt

to fold the attorney fee order into the previously filed notice of appeal covering the underlying custody order therefore contravenes NRAP 3A(b). *See Weddell v. Stewart*, 127 Nev. 645, 651, 261 P.3d 1080, 1084 (2011) (“Parties cannot avoid the filing and fee requirements set forth in specific rules of appellate procedure by relying on rules of more general application. This is true regardless of whether the reliance is made through ignorance, in good faith . . . or intentionally.”).

Because the final order awarding attorney fees and costs was entered after Stevens filed her notice of appeal in this case, and she failed to file a separate notice of appeal from that decision, her challenge to the district court’s award of attorney fees and costs is not properly before us. As a result, we lack jurisdiction to consider her arguments regarding the \$15,000 award of attorney fees and costs. *See Rennels*, 127 Nev. at 569, 257 P.3d at 399 (discussing what constitutes a final order); *see also Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 688, 747 P.2d 1380, 1381 (1987) (noting that a premature notice of appeal is ineffective to vest jurisdiction in this court). We therefore dismiss this appeal to the extent Stevens challenges the district court’s award of \$15,000 in attorney fees and costs to Laney.

Stevens’s request for judicial reassignment is moot

Stevens requests reassignment to a different district judge on remand, pointing to the district court’s determination that the best interest factors overwhelmingly favored Laney and to the order’s extensive reliance on Dr. Wilburn. Because we affirm the district court’s judgment and conclude that remand is unwarranted, Stevens’s request for reassignment is moot and need not be considered on appeal. *Cf. Roe*, 139 Nev. at 180-82, 535 P.3d at 291-

93 (addressing reassignment as necessary to preserve the appearance of impartiality upon reversal and remand).⁷

Accordingly, we ORDER the judgment of the district court AFFIRMED IN PART and DISMISS IN PART this appeal.⁸



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hofland & Tomsheck

The Law Offices of Patrick Driscoll, LLC

Mari D. Parlade, District Judge

The Eighth Judicial District Court of the State of Nevada, in and for the
County of Clark, District Court Clerk

⁷Even if we were to reach the merits of Stevens’s claim, it would fail, as her allegation of bias does not stem from an extrajudicial source, and adverse rulings—even uniformly adverse ones—do not establish bias. *See Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022); *Lewis*, 132 Nev. at 461 n.5, 373 P.3d at 883 n.5 (measuring bias by whether a reasonable person, knowing all the facts, would harbor reasonable doubts about the judge’s impartiality). Stevens fails to demonstrate reassignment is warranted on this basis, in that she fails to provide persuasive rationale as to why the district court held “a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Canarelli*, 138 Nev. at 107, 506 P.3d at 337 (internal quotation marks omitted).

⁸Insofar as Stevens has raised other 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.