



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MADISON BUCHANAN,
Appellant,
vs.
COREY BREWER,
Respondent.

No. 91363-COA

ORDER OF AFFIRMANCE

Madison Buchanan appeals from a district court final child custody decree. Eighth Judicial District Court, Family Division, Clark County; Amy Mastin, Judge.

Madison and respondent Corey Brewer, who never married, share one minor child A.B., who was born in June 2020 in Las Vegas. Madison and Corey's romantic relationship ended in July 2022. Thereafter, they informally exercised joint legal and physical custody over A.B.

Shortly after Madison moved in with her now husband, her husband's mother, who lives in Reno, was diagnosed with cancer. In June 2024, Madison's husband accepted a job in Reno to be closer to his mother. Madison and Corey began discussing her potential move to Reno with A.B. Initially, Madison anticipated moving in early 2025. However, in September 2024, Madison accepted a new job in Reno with an earlier start date, hastening her move to the end of October 2024. In response, Corey filed an amended complaint seeking joint legal and physical custody of A.B. Madison responded to the amended complaint and filed an accompanying

motion to establish a temporary custody schedule and seeking permission to relocate with A.B. to Reno.

While the matter was pending, Corey and Madison engaged in mediation and entered a partial parenting agreement. They agreed to exercise joint legal custody over A.B. and established holiday, vacation, and school break parenting time schedules. The district court later held a trial addressing physical custody and relocation during which both Corey and Madison testified.

Both Madison and Corey testified about how they exercised custody of A.B. after their romantic relationship ended. The parties provided testimony about Corey's past drug use and his efforts to recover from that drug abuse. Both Madison and Corey described how they briefly deviated from their custody arrangement when Corey was going through a tumultuous breakup with a romantic partner and felt it was better that A.B. remain with Madison during that time. Corey described the support systems in place in Las Vegas for A.B., which included his extended family as well as Madison's grandparents. Madison testified about her husband's family in the Reno area as well as her mother's plans to move to Reno. She also testified the job she accepted in Reno paid better and had hours more conducive to spending time with A.B. Additionally, Madison believed Reno's schools were better than those in Las Vegas. Lastly, Madison explained she was pregnant and that she believed that A.B. would have the opportunity to spend more time with the new child and with A.B.'s older half-sister.

The district court considered Madison's motion under NRS 125C.007 and entered an order denying Madison's motion for primary physical custody and request to relocate with A.B. and awarded Corey primary physical custody. In so doing, the court made specific findings and

determined that Madison did not satisfy her burden of proof with regard to the threshold factors of NRS 125C.007(1). Notably, the court concluded that the best interest analysis was equal between Madison and Corey and therefore Madison did not meet her burden of demonstrating it was in A.B.'s best interest for her to have primary physical custody or to relocate to Reno. This appeal followed.

On appeal, Madison challenges the district court's decision to award Corey primary physical custody and deny her request to relocate with A.B. This court reviews child custody determinations, such as a decision denying a motion for relocation, for an abuse of discretion. *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1227 (2004); see *Johnson v. Bennett*, 141 Nev., Adv. Op. 35, 575 P.3d 1023, 1027 (Ct. App. 2025) (applying the abuse of discretion standard to a motion to relocate). "An abuse of discretion occurs when a district court's decision is not supported by substantial evidence or is clearly erroneous." *Johnson*, 141 Nev., Adv. Op. 35, 575 P.3d at 1027 (citing *Bautista v. Picone*, 134 Nev. 334, 336, 419 P.3d 157, 159 (2018)). This court "is not at liberty to weigh the evidence anew, and where conflicting evidence exists, all favorable inferences must be drawn towards the prevailing party." *Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (citing *Yamaha Motor Co. v. Arnoult*, 114 Nev. 233, 238, 955 P.2d 661, 664 (1998)).

Courts must consider a pending motion to relocate when making the initial permanent custody determination. *McGuinness v. McGuinness*, 114 Nev. 1431, 1435, 970 P.2d 1074, 1077 (1998). When resolving a request to relocate and making an initial permanent custody determination, "the district court must base its decision on the child's best interest." *Druckman v. Ruscitti*, 130 Nev. 468, 473, 327 P.3d 511, 515 (2014);

see NRS 125C.0035(1). “Evaluating the child’s best interest in determining custody is designed to place the child’s welfare and developmental needs at the forefront of all child custody decisions, ensuring that the outcomes support their physical, emotional, and psychological well-being.” *Soldo-Allesio v. Ferguson*, 141 Nev., Adv. Op. 9, 565 P.3d 842, 848-49 (Ct. App. 2025). “A court cannot adequately evaluate a child’s best interest in the custody determination without considering the circumstances of the relocation request.” *Druckman*, 130 Nev. at 474, 327 P.3d at 515. Moreover, the party that wishes to relocate bears the burden of proving that relocation is in the child’s best interest. See *Johnson*, 141 Nev., Adv. Op. 35, 575 P.3d at 1031.

Madison contends that the district court erred in assessing the threshold factors set forth in NRS 125C.007(1). She argues that she introduced sufficient evidence to demonstrate that it was in A.B.’s best interest to relocate to Reno and that A.B. would benefit from an actual advantage due to the relocation. She contends that the district court erred in concluding that the best interest factors stood in equipoise between herself and Corey, and therefore, that she failed to meet her burden that relocation was in A.B.’s best interest. She also asserts that the district court improperly limited its best interest analysis to the factors set forth in NRS 125C.0035(4) instead of the totality of the circumstances. She asserts that because the district court analyzed the NRS 125C.007(2) factors, it implicitly found that she satisfied the factors set forth in NRS 125C.007(1).

Preliminarily, we note that NRS 125C.007 does not govern Madison’s request to relocate because there was no prior permanent order determining custody in this matter as required by the statutes. NRS 125C.006 and 125C.0065 only apply when primary or joint physical custody

“has been established pursuant to an order, judgment or decree”; *see also Druckman*, 130 Nev. at 472-73, 327 P.3d at 514 (holding that NRS 125C.200, the predecessor to NRS 125C.007, applies only to instances where there is a prior custody determination). Nevertheless, the district court properly elected to utilize NRS 125C.007 to guide its evaluation of this issue. *See id.* at 473, 327 P.3d at 515 (explaining the statutory framework for relocation may be used “as a guide in instances where no custodial order exists and the parents dispute . . . relocation” (citing NRS 125C.200 (1999))); *see also* NRS 125C.0065(1) (discussing a relocation request in a joint custodial arrangement when a parent intends to relocate “to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child”).

When there is no standing custody order, a district court must determine whether the moving parent established a “sensible, good faith reason for the move.” *Druckman*, 130 Nev. at 473, 327 P.3d at 515 (internal quotation marks omitted). Should the moving party satisfy that initial hurdle, the court must consider:

(1) the extent to which the move is likely to improve the quality of life for both the child and the custodial parent; (2) whether the custodial parent’s motives are honorable, and not designed to frustrate or defeat [parenting time] rights accorded to the noncustodial parent; (3) whether, if permission to remove is granted, the custodial parent will comply with any substitute visitation orders issued by the court; (4) whether the noncustodian’s motives are honorable in resisting the motion for permission to remove, or to what extent, if any, the opposition is intended to secure a financial advantage in the form of ongoing support obligations or otherwise; (5) whether, if removal is allowed, there will be a realistic opportunity for the

noncustodial parent to maintain a [parenting time] schedule that will adequately foster and preserve the parental relationship with the noncustodial parent.

Id. at 474, 327 P.3d at 515 (internal brackets omitted); *see also Schwartz v. Schwartz*, 107 Nev. 378, 382-83, 812 P.2d 1268, 1271 (1991) (establishing the factors a court must apply when evaluating a relocation request absent a custody order).

In its order, the district court made findings concerning the relocation request, the relevant relocation factors, and whether relocation was in A.B.'s best interest. The court found that Madison's request to relocate was a sensible, good-faith reason given her new marriage and mother-in-law's cancer diagnosis, and that she did not aim to deprive Corey of parenting time. *See* NRS 125C.007(1)(a); *Druckman*, 130 Nev. at 474, 327 P.3d at 515; *Schwartz*, 107 Nev. at 383, 812 P.2d at 1271. Similarly, Corey's opposition to the relocation was also honorable and not financially related. *See Schwartz*, 107 Nev. at 383, 812 P.2d at 1271. Further, the court did not doubt that if Madison received permission to move, she would comply with custody orders. *See id.*

However, the district court found that Madison failed to demonstrate that the move to Reno was in A.B.'s best interest after considering the best interest factors under NRS 125C.0035(4). Specifically, the court found that both parents had been respectful and encouraged good relations and thus found that they were equally likely to allow associations. *See* NRS 125C.0035(4)(c). It found that the level of conflict was low and that the parties consistently cooperate to ensure A.B.'s needs are met. *See* NRS 125C.0035(4)(d), (e). The record supports these findings with testimony

that established that the parties successfully exercised an informal joint custody arrangement for several years without court intervention.

While the district court found Corey used drugs in the past, his use did not appear to rise to an addiction and the court found his ongoing efforts to address that drug use commendable. *See* NRS 125C.0035(4)(f). Corey had testified that he left the environment where he felt pressured to use drugs and routinely attended a support group to address his past use. The court found both parents were excellent at taking care of A.B.'s physical needs and it was apparent that they both had a good relationship with A.B. *See* NRS 125C.0035(4)(g), (h). Both parties testified about attending A.B.'s medical appointments and seeing to her medical care. They also testified about traveling to and assisting with A.B.'s dance recital and other events.

Lastly, although the district court found that sibling relationship factor "does not weigh favorably for [Madison], because [Madison] did not make this factor a significant or apparent factor until very recently." *See* NRS 125C.0035(4)(i). Nevertheless, it found the parenting agreement entered into by the parties and the cooperative relationship the parties have demonstrated thus far provided ample opportunity for Madison to bond with her siblings such that this factor did not militate in favor of relocation. Notably, the district court found that Madison was willing to follow any parenting time rulings and the parties showed a willingness to cooperate and encourage reasonable parenting time that would foster and preserve the parental relationship between the relocating parent and remaining parent.

Based on the foregoing factual findings, the district court found that the best interest factors stood equal and did not favor either parent and, therefore, concluded that Madison failed to demonstrate that it was in

A.B.'s best interest to relocate to Reno. See NRS 125C.007(1), (3) (explaining the relocating parent must demonstrate "[t]he best interests of the child are served by allowing the relocating parent to relocate with the child" and "has the burden of proving that relocating with the child is in the best interest of the child"); see also *Johnson*, 141 Nev., Adv. Op. 35, 575 P.3d at 1031. It found "that the tenuousness of a new relationship between [A.B.] and Mom's new husband and his family, is not of sufficient weight to overcome the strength and breadth of the relationship between [A.B.] and [Corey's] family and support network here in Las Vegas." These findings are supported by substantial evidence. See *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007); *Druckman*, 130 Nev. at 474, 327 P.3d at 515.

Madison takes issue with the district court's weighing of evidence as it applied to the best-interest analysis. However, this court is not at liberty to reweigh the evidence on appeal. See *Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 365-66, 212 P.3d 1068, 1080 (2009); see *Roberts v. Andrino*, No. 89438, 2025 WL 3119014, at *2 (Nev. Nov. 4, 2025) (Order of Affirmance) (recognizing that Nevada "does not mandate that any factors be given controlling weight, which allows the district court discretion in determining how much weight to assign to the factors based on the facts and circumstances of the case"). And Madison fails to demonstrate the district court abused its discretion by declining to make additional findings or consider additional circumstances in reaching its decision based upon the NRS 125C.0035(4) best interest factors. Therefore, while other courts may have weighed the evidence differently, Madison fails to overcome the presumption that the district court properly exercised its discretion in determining A.B.'s best interest when denying relocation. See *Flynn*, 120 Nev. at 440, 92 P.3d at 1226-27. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹



cc: Hon. Amy Mastin, District Judge, Family Division
Law Offices of F. Peter James, Esq.
Law Offices of Louis C. Schneider, LLC
Eighth District Court Clerk

¹Madison also contends that the district court erred in addressing the relocation factors set forth in NRS 125C.007(2) and that the district court's errors in assessing the best interest and relocation factors were not harmless. We have considered these arguments and conclude that they do not provide a basis for relief given our conclusion that the district court did not abuse its discretion in concluding that Madison failed to meet her burden of demonstrating that relocation was in A.B.'s best interest.

Moreover, insofar as Madison raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.