



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF: E.C.; J.O.C.;
M.E.C.; O.E.C. AND V.R.C., MINOR
CHILDREN.

No. 91256-COA

MIGUEL E. C.,
Appellant,
vs.
THE STATE OF NEVADA AND E.C.;
J.O.C.; M.E.C.; O.E.C.; V.R.C., MINOR
CHILDREN,
Respondents.

ORDER OF AFFIRMANCE

Miguel E.C. appeals from a district court order in a proceeding stemming from a petition for child protection under NRS Chapter 432B. Eighth Judicial District Court, Clark County; Hon. Rhonda Kay Forsberg, Judge.

Miguel is the father of five minor children. In March 2025, the State filed a petition alleging that the children were in need of protection as Miguel committed actions that caused the children to suffer mental injuries of a nonaccidental nature, resulting in negligent treatment or maltreatment. The petition alleged that Miguel made numerous allegations, later determined to be false, that the children had suffered sexual abuse from their mother and/or their mother's relatives. The petition further alleged that Miguel's false allegations caused the children to undergo medical examinations and to have participated in investigations concerning their mother and relatives, and that Miguel seemingly coached the children to make false allegations. The petition

also alleged that Miguel may be suffering from a mental health condition that fueled his behavior. The petition further explained that the children were removed from Miguel's care, that they were in the protective custody of Clark County Department of Family Services (Family Services), and that Family Services placed the children with their mother.

The district court subsequently set this matter for an evidentiary hearing and provided notice of the evidentiary hearing date through Miguel's counsel. The record indicates that Miguel appeared at the evidentiary hearing and provided testimony. The record further indicates that additional witnesses testified, including detectives who investigated Miguel's allegations concerning sexual abuse of the children, and that the parties introduced documentary evidence concerning the children.

The district court subsequently issued a written order in which it found that the evidence established that Miguel committed abuse and neglect of the children by mental injury of a nonaccidental nature. The court determined that Miguel was coaching and coercing the children into making false allegations of sexual abuse and did so as a tool to obtain custody of the children.

The district court later issued a written order in which it awarded the children's mother with sole legal and physical custody of the children and terminated Family Services' custody of the children. The court provided Miguel with supervised parenting time, explained that any changes to the

custodial arrangement would have to be sought in a custody court of competent jurisdiction, and closed this matter. This appeal followed.¹

On appeal, Miguel challenges the district court's findings regarding abuse and neglect, contending the State presented false evidence in support of its petition. Miguel also appears to contend that the district court should have determined the children's mother and relatives sexually abused the children and that the district court did not allow him sufficient time to present information concerning those allegations.

We review a district court's factual findings concerning a petition for child protection under NRS Chapter 432B for an abuse of discretion. *Aug. H. v. State*, 105 Nev. 441, 445-46, 777 P.2d 901, 903-04 (1989) (reviewing the district court's finding that the evidence was sufficient to show that the children were neglected under NRS 432B.140 for an abuse of discretion). "An

¹The State contends that this appeal should be dismissed for lack of jurisdiction as it asserts the order containing the factual findings regarding the allegations contained in the petition was not a final appealable order. However, a "court order finally resolving a petition for child protection under NRS Chapter 432B is appealable as a final judgment under NRAP 3A(b)(1)." *In re N.D.*, 142 Nev., Adv. Op. 2, 582 P.3d 159, 162 (2026). Here, the district court issued an order placing the children in their mother's custody and closing the district court case. The district court's order finally resolved the petition and disposed of all issues in this matter, and thus its order constitutes a final, appealable order. Moreover, we may review interlocutory decisions entered prior to the final order. *See Sandstrom v. Second Jud. Dist. Ct.*, 121 Nev. 657, 659, 119 P.3d 1250, 1252 (2005) (stating "a final order [is] one that disposes of all issues and leaves nothing for future consideration"); *see also Consol. Generator-Nev., Inc. v. Cummins Engine Co., Inc.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (explaining that appellate courts have jurisdiction to consider interlocutory orders within the context of an appeal from a final judgment).

abuse of discretion occurs when a district court's decision is not supported by substantial evidence or is clearly erroneous." *Bautista v. Picone*, 134 Nev. 334, 336, 419 P.3d 157, 159 (2018). "The district court's factual findings . . . are given deference and will be upheld if not clearly erroneous and if supported by substantial evidence." *Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009).

As previously stated, the district court issued a written order in which it explained that, based on the evidence presented at the evidentiary hearing, it found that Miguel committed abuse and neglect of the children by mental injury of a nonaccidental nature. See NRS 432B.140 ("Negligent treatment or maltreatment of a child occurs if a child has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic . . . because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so."). The court noted the testimonies of several witnesses and its review of documentary evidence, and determined that Miguel coached and coerced the children into making false allegations of sexual abuse in an effort to gain custody of the children. The court also found that Miguel's actions caused the children to suffer emotional damage. In addition, the district court explained its concerns regarding Miguel's mental health and noted the children should not have to endure abusive behaviors due to Miguel's mental health issues.

Miguel challenges these findings and raises arguments on appeal concerning evidence presented at the evidentiary hearing. However, Miguel

filed a certificate stating that he was not requesting transcripts in this matter.² As such, Miguel failed to provide this court with a copy of the evidentiary hearing transcript. See NRAP 9(a)(1), (7) (requiring appellants to request transcripts of district court proceedings that are necessary for consideration of the appeal and to provide certified copies of the transcripts). Because Miguel did not provide this court with the transcript of the evidentiary hearing, we necessarily presume that the transcript supports the district court's decisions. See *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (noting that it is an appellant's burden to ensure that a proper appellate record is prepared and that, if the appellant fails to do so, "we necessarily presume that the missing [documents] support[] the district court's decision"). Indeed, without a copy of the relevant transcript, we are unable to meaningfully review any arguments Miguel has concerning evidence presented at the evidentiary hearing and any impact that evidence may have had on the district court's factual findings concerning the petition. Moreover, while Miguel argues the State presented inaccurate or false evidence, this court is not at liberty to reevaluate the district court's credibility determinations. See *Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 366, 212 P.3d 1068, 1080 (2009) ("[C]redibility determinations and the weighing of

²We note the supreme court issued a notice to Miguel in which it instructed him that he had 14 days from the date of the notice to either file and serve a rough draft transcript request form or file and serve a certificate that no transcripts were being requested. The notice also instructed him that appellants who have been granted in forma pauperis status would be eligible to have the costs associated with the preparation and delivery of transcripts waived and cited specifically to NRAP 9.

evidence are left to the trier of fact.”). Accordingly, we conclude that Miguel fails to demonstrate the district court abused its discretion in finding that he committed abuse or neglect of the children by mental injury of a nonaccidental nature.

Next, Miguel argues that his due process rights were violated during the evidentiary hearing. Miguel appears to assert that the district court required him to rush through the presentation of his testimony. “This court applies a de novo standard of review to constitutional challenges.” *Callie v. Bowling*, 123 Nev. 181, 183, 160 P.3d 878, 879 (2007). “[P]rocedural due process requires notice and an opportunity to be heard.” *Id.* (internal quotation marks omitted). “Due process is satisfied where interested parties are given an opportunity to be heard at a meaningful time and in a meaningful manner.” *Mesi v. Mesi*, 136 Nev. 748, 750, 478 P.3d 366, 369 (2020) (internal quotation marks omitted). Moreover, “[h]earing and trial procedures, such as . . . the scheduling of hearings, so long as within the parameters of the governing rules, are matters vested in the sound discretion of the trial court.” *Zupancic v. Sierra Vista Recreation*, 97 Nev. 187, 192, 625 P.2d 1177, 1180 (1981); *see also Matter of J.B.*, 140 Nev. 362, 369, 550 P.3d 333, 339 (2024) (noting a district court “retains broad scheduling powers”).

Here, the district court found that Miguel had been served with the petition. Miguel was also provided notice of the evidentiary hearing through service of the district court’s order scheduling that hearing. The record also indicates Miguel appeared with his counsel and testified at that hearing. In addition, because Miguel did not provide this court with the transcript of the evidentiary hearing, we necessarily presume that the transcript supports the district court’s decisions concerning time allowed for

the parties' presentation of testimony and evidence. *See Cuzze*, 123 Nev. at 603, 172 P.3d at 135. To the extent Miguel attempts to assert additional bases upon which he believes his due process rights were violated, he does not present cogent argument concerning those issues. *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). Accordingly, Miguel does not demonstrate that he is entitled to relief based upon this argument.

Finally, Miguel argues that the district court was biased against him. We conclude that relief is unwarranted on this point because Miguel has not demonstrated that the court's decisions in the underlying case were based on knowledge acquired outside of the proceedings and its decisions did not otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); *see In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally "do not establish legally cognizable grounds for disqualification"); *see also Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022). Moreover, Miguel fails to

demonstrate this is one of the “exceedingly rare cases where reassignment is necessary to preserve public confidence and trust in the fairness of a judicial proceeding.” *See Williams v. Second Jud. Dist. Ct.*, 142 Nev., Adv. Op. 5, 583 P.3d 223, 226 (2026). Therefore, we conclude that Miguel is not entitled to relief based on this argument. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Rhonda Kay Forsberg, District Judge
Clark County District Attorney's Office
Clark County District Attorney/Juvenile Division
Legal Aid Center of Southern Nevada, Inc.
Miguel E. C.
Eighth District Court Clerk

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