



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEXANDER SCHOENWALD,
Appellant,
vs.
KRISTA TARANTELLI,
Respondent.

No. 91757-COA

ORDER OF AFFIRMANCE

Alexander Schoenwald appeals from a custody decree and a district court order denying a post-decree motion to modify child support. Eighth Judicial District Court, Clark County; Hon. Amy Mastin, Judge.

Schoenwald and respondent Krista Tarantelli never married but share one child together, born in December 2022. In August 2024, Tarantelli filed a complaint for custody, seeking sole legal and primary physical custody. Schoenwald filed an answer and counterclaim, seeking sole legal and physical custody. Due to an alleged domestic violence incident, Schoenwald did not allow Tarantelli to have in-person contact with the child for several months, though there was no court order prohibiting Tarantelli from having parenting time with the child. After extensive motion practice, the district court ordered that the parties share temporary joint physical custody.

The matter ultimately proceeded to an evidentiary hearing. Both parties testified and presented evidence. At the close of the hearing, the district court analyzed the best interest factors and awarded Tarantelli sole legal and primary physical custody. The court also ordered that Schoenwald

pay \$320 per month in child support based on his most recently filed financial disclosure form (FDF). The district court subsequently entered a written custody decree reducing its oral findings to writing.

Eleven days following the entry of the decree, Schoenwald filed a motion to modify child support, arguing his income had decreased more than 20 percent. Tarantelli opposed the motion, and the district court denied Schoenwald's request for modification. This appeal follows.

Physical custody

On appeal, Schoenwald challenges the district court's physical custody determination, arguing it failed to properly analyze the best interest factors, particularly the domestic violence factor, and disregarded his evidence. This court reviews a custody determination for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). "An 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). A district court's factual findings will be upheld so long as "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. The district court's sole consideration when determining custody is the best interest of the child. NRS 125C.0035(1); *Ellis*, 123 Nev. at 149, 161 P.3d at 242. When evaluating a child's best interest, the district court must consider all twelve factors set forth in NRS 125C.0035(4), and a written custody decree must contain findings regarding those factors and tie the findings to the ultimate custody determination. *Davis v. Ewalefo*, 131 Nev. 445, 450-51, 352 P.3d 1139, 1143 (2015).

Here, the findings in the custody order and transcripts from the evidentiary hearings demonstrate that the district court gave due consideration to the issues and evidence before it and awarded Tarantelli primary physical custody for appropriate reasons—in particular, its determination that doing so was in the child’s best interest. *See* NRS 125C.0035(1); *see also Davis*, 131 Nev. at 451, 352 P.3d at 1143. That determination was based on an evaluation of the NRS 125C.0035(4) best interest factors, which was supported by substantial evidence, and provided an adequate explanation for its decision that it was in the child’s best interest for Tarantelli to have primary physical custody.

The district court made specific findings under the NRS125C.0035(4) best interest factors. To that end, the court acknowledged both parties had issues and that certain factors—the ability of the parents to cooperate, the parents’ mental health, the nature of the parents’ relationship with the child—favored neither party. *See* NRS 125C.0035(4)(e), (f), (h). However, notwithstanding both parties’ issues, the court determined the frequent associations factor favored Tarantelli because Schoenwald had already evidenced an unwillingness to allow frequent associations with Tarantelli by withholding the child for nearly six months and continuing to exert dominance over Tarantelli. *See* NRS 125C.0035(4)(c). Further, the court found the factor regarding the level of conflict between the parties likewise favored Tarantelli because the parties’ high level of conflict primarily originated with Schoenwald based on the questions he posed to Tarantelli concerning her employment and other issues, which demonstrated his

unreasonable belief that he was entitled to certain information and to dictate Tarantelli's parenting. *See* NRS 125C.0035(4)(d).

The district court also found, in light of Schoenwald's withholding of the child from Tarantelli, that the physical, developmental, and emotional needs of the child factor favored Tarantelli based on Schoenwald's controlling behavior and his view that her parenting was flawed and/or inferior to his own. *See* NRS 125C.0035(4)(g). The court found that the abuse or neglect and domestic violence factors were not applicable based on Schoenwald's lack of credibility and because the evidence before it failed to depict domestic violence. And, although the court found that both parties were unable to cooperate, it also found that the documentary evidence demonstrated Tarantelli communicated respectfully with Schoenwald while Schoenwald continued to attempt to exert control over Tarantelli.

Substantial evidence supported these findings. While Schoenwald argues the court failed to give appropriate consideration to the fact that he was the child's primary caregiver for several months, he fails to acknowledge that he had that role due to his withholding of the child without a court order or that the court was unpersuaded by this argument, as it determined he used his temporary primary caregiver role as a basis for continuing to exert dominance over Tarantelli and to perpetuate his unfounded belief that he was the only capable parent.

While there is a preference that joint physical custody is in a child's best interest if certain conditions are met, NRS 125C.0025(1), the district court ultimately found that Tarantelli should have primary physical custody based on its analysis of the relevant best interest factors and due to Schoenwald's

controlling behavior and refusal to effectively coparent or accept that he caused much of the conflict between the parties. *See Roe v. Roe*, 139 Nev. 163, 173, 535 P.3d 274, 286 (Ct. App. 2023) (explaining that joint physical custody is the custody arrangement that a district court must consider first and it should make findings when imposing an alternative arrangement). As such, we conclude Schoenwald has failed to demonstrate the district court abused its discretion in awarding Tarantelli primary physical custody. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241.

In reaching this conclusion, we are unpersuaded by Schoenwald's contentions that the district court disregarded his evidence and abused its discretion by concluding that he failed to prove domestic violence by a preponderance of the evidence. As to the first argument, the record belies Schoenwald's contention that the district court disregarded his evidence. The written order explains that the court considered the parties' pleadings and admitted exhibits, and the transcript reveals the court asked questions based on Schoenwald's exhibits, witnesses, and his own testimony, thus demonstrating it considered his evidence. While Schoenwald disagrees with the inferences drawn or the weight accorded to his evidence, that does not present a basis for relief, as those functions are within the province of the trier of fact. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 365-66, 212 P.3d

1068, 1080 (2009) (explaining that “credibility determinations and the weighing of evidence are left to the trier of fact”).¹

As to the second argument, we conclude the district court’s findings regarding the domestic violence best interest factor were supported by substantial evidence. The district court determined Schoenwald failed to prove domestic violence by a preponderance of the evidence and found that the video evidence of the event leading to Tarantelli’s arrest did not depict domestic violence. Aside from Tarantelli’s testimony, which the court found credible, the court determined—and the record reflects—that in testifying Schoenwald failed to allege how or when Tarantelli purportedly scratched him during the event or why that incident was not visible on the video footage. Although he argues there were other instances of domestic violence or evidence of Tarantelli’s anger issues, we conclude that Schoenwald fails to demonstrate the district court abused its discretion by finding the evidence was insufficient to establish that Tarantelli committed an act of domestic violence. *See id.*²

¹We note Schoenwald additionally contends the district court failed to consider various documents and statements attached to his pretrial memorandum. However, a careful review of the record shows that he failed to present those documents at the evidentiary hearing, and therefore they were not admitted or considered as evidence.

²Schoenwald additionally argues that the district court failed to adhere to the statutory definition of domestic violence when it stated domestic violence was about power and control. We conclude that Schoenwald is not entitled to relief based on this argument as he does not demonstrate the district court misconstrued the definition of domestic violence. Rather, the record demonstrates the court specifically reviewed the evidence presented
continued on next page . . .

Schoenwald’s various arguments amount to challenges to the district court’s credibility determinations and how it weighed the evidence. But the court explicitly found Tarantelli credible and Schoenwald not credible. While Schoenwald argues the district court should have weighed the evidence differently and he challenges that court’s credibility findings, this court does not reweigh the evidence or reevaluate witness credibility on appeal. *See Grosjean*, 125 Nev. at 365-66, 212 P.3d at 1080; *see also In re J.D.N.*, 128 Nev. 462, 477, 283 P.3d 842, 852 (2012) (“As the family division of the district court is in a better position to weigh the credibility of witnesses, we will not substitute our judgment for that of the district court.”). Accordingly, Schoenwald is not entitled to relief based on these arguments.

Child support

Next, Schoenwald contends the district court abused its discretion by determining his child support obligation, as he argues it was based on an inaccurate gross monthly income. He also argues that the court failed to consider offsetting his obligation based on his “caregiving history,” and prior monetary contributions to basic childrearing expenses, such as diapers, cleaning supplies, and clothing. “We review decisions regarding child support for an abuse of discretion.” *Romano v. Romano*, 138 Nev. 1, 7, 501 P.3d 980, 985 (2022), *abrogated in part on other grounds by Killebrew v. State ex rel.*

concerning the alleged incident of domestic violence and determined it was not proven by a preponderance of the evidence. *See Soldo-Allesio v. Ferguson*, 141 Nev., Adv. Op. 9, 565 P.3d 842, 845 (Ct. App. 2025) (stating “preponderance of the evidence is the standard when evaluating domestic violence as a best interest factor in considering the custody arrangement”); *cf.* NRS 33.018(1) (discussing acts which constitute domestic violence).

Donohue, 139 Nev. 401, 405, 535 P.3d 1167, 1171 (2023). A district court abuses its discretion when its findings are not supported by substantial evidence, *Miller v. Miller*, 134 Nev. 120, 125, 412 P.3d 1081, 1085 (2018), 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.

“The parents of a child . . . have a duty to provide the child necessary maintenance, health care, education and support.” NRS 125B.020(1). “Where the parents of a child do not reside together, the physical custodian of the child may recover from the parent without physical custody a reasonable portion of the cost of care, support, education and maintenance provided by the physical custodian.” NRS 125B.030. The Nevada Administrative Code provides a formula for determining a parent’s base child support obligation. *See* NAC 425.140. NAC 425.150 allows for the adjustment of the baseline child support obligation in accordance with specific needs of the children and the economic circumstances of the parties based on eight enumerated factors. NAC 425.150(1).

Here, the record shows the district court calculated Schoenwald’s child support obligation based on his most recently filed FDF, which he both testified was accurate and that his income remained unchanged. That FDF, filed in November 2024, reported that he earned \$2,000 per month in average gross monthly income, and the \$320 child support obligation imposed by the court is in accordance with the formula. *See* NAC 425.140(1)(a) (for one child, the support obligation is 16 percent of the first \$6,000 of an obligor’s gross monthly income). The record does not reflect that Schoenwald requested an adjustment other than stating he no longer earned what he indicated in his

FDF, and he has not demonstrated that past child-rearing expenses warrant an adjustment of his obligation. *See* NRS 125B.020(1); NRS 125B.030. Thus, substantial evidence supports the district court’s child support award. *See Miller*, 134 Nev. at 125, 412 P.3d at 1085.

Furthermore, to the extent Schoenwald’s arguments can be construed as stating he had an inability to pay, we are unpersuaded by that argument. Schoenwald testified at the evidentiary hearing in August 2025 that at some point he voluntarily decreased his work schedule from five days per week to one day per week in order to spend more time with the child, but his income remained unchanged from November 2024, and his FDF was accurate. Schoenwald only alleged he was no longer earning \$2,000 per month after learning he would be responsible for child support and did not otherwise request that the district court adjust his obligation in accordance with NAC 425.150. Moreover, Schoenwald’s pretrial memorandum reveals he requested that the child support obligation be determined in accordance with the statutory formula and stated that his FDF was accurate and his income had not changed. As such, Schoenwald has failed to demonstrate the district court’s child support award was an abuse of discretion. *See Romano*, 138 Nev. at 7, 501 P.3d at 985.

Motion to modify child support

In addition to his challenge to the initial child support award, Schoenwald also challenges the district court’s denial of his post-decree motion to modify child support. Upon a request for review, a district court may modify a child support order only when it finds “a change in circumstances since the entry of the order and the modification is in the best interest of the child.”

Rivero v. Rivero, 125 Nev. 410, 431, 216 P.3d 213, 228 (2009), *overruled in part on other grounds by Romano*, 138 Nev. at 6, 501 P.3d at 984. Although the modification of a child support order is discretionary even if the district court finds changed circumstances, *id.* at 432, 216 P.3d at 228, NRS 125B.145(4) mandates the district court conduct a review of the child support order when the obligor parent experiences a 20-percent change in gross monthly income, *Backman v. Gelbman*, 141 Nev., Adv. Op. 8, 565 P.3d 330, 331-32 (Ct. App. 2025).

Here, 11 days after the district court entered its custody decree setting forth Schoenwald's child support obligation, he filed a motion to modify alleging he experienced more than a 20 percent change in income. The court thereafter denied Schoenwald's motion, finding he failed to address the child's best interest and the reason for the substantial decrease in "his already marginal income and/or whether he is seeking to become more fully employed." The court further found it was in the child's best interest for Schoenwald to obtain full-time employment so he can financially support his child. The record shows the court's decision was supported by substantial evidence.

Although Schoenwald summarily alleged that it was in the child's best interest to modify child support, he gave no actual reason as to why, particularly after his testimony at the evidentiary hearing revealed he voluntarily worked only one day a week and the evidence demonstrated he failed to contribute to the child's health insurance. Further, Schoenwald asserted that his income was purely commission based but did not explain why his income had decreased since entry of the custody decree or how his circumstances had changed after previously testifying his FDF was accurate

and that he voluntarily worked one day per week. *See Rivero*, 125 Nev. at 431, 216 P.3d at 228. Schoenwald attempted to support his allegation that he was earning less income by attaching check stubs to his newly-filed FDF, but the purported check stubs do not reflect the name of an employer or pay period or have any other indication that they are legitimate. Thus, Schoenwald fails to demonstrate he met his burden to show that modification of the child support award was warranted. *See id.* at 430, 216 P.3d at 227. These circumstances, in addition to the district court’s extensive findings regarding Schoenwald’s lack of credibility, support the district court’s decision to deny his motion to modify child support. *See id.* at 431, 216 P.3d at 228.

Due process

Next, Schoenwald contends the district court deprived him of due process and violated his constitutional rights by failing to consider his evidence, depriving him of the opportunity to be heard, and “chilling” his speech. “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, district courts have discretion over the form of evidentiary hearings. *See, e.g., Arcella v. Arcella*, 133 Nev. 868, 872, 407 P.3d 341, 346 (2017) (explaining district courts have broad discretion in determining questions of child custody, including the form of evidentiary hearings).

In this case, Schoenwald was provided notice and opportunity to be heard. The record shows he fully participated in the entirety of the custody proceedings and was given the same amount of time as Tarantelli to present his evidence and, thus, his due process rights were satisfied. *See Callie*, 123 Nev. at 183, 160 P.3d at 879. Moreover, he was not prevented from filing numerous motions and exhibits. *See Mesi*, 136 Nev. at 750, 478 P.3d at 369 (stating that an opportunity to be heard normally “takes the form of a live hearing, but in some cases the parties may be afforded sufficient opportunity to present their case through affidavits and supporting documents” (internal quotation marks omitted)). Although Schoenwald may have wanted additional time or for the court to consider documents he deemed relevant, he has not shown that the district court violated his rights in conducting the underlying proceedings. *See Callie*, 123 Nev. at 183, 160 P.3d at 879.

Bias

Finally, Schoenwald argues that the district court was biased against him. After a careful review of the record, we conclude relief is unwarranted on this point because Schoenwald 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*, 125 Nev. at 439, 216 P.3d at 233 (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification). Therefore, we conclude that Schoenwald 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. Amy Mastin, District Judge
JK Nelson Law LLC
Alexander Schoenwald
Eighth District Court Clerk

³Insofar as Schoenwald 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 or need not be addressed in light of our disposition of this appeal.