FILED
11/25/2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NATHAN JEREMIAH SMITH, Appellant, vs. HILLARY CURRIER, Respondent.	No. 92145-COA

ORDER OF AFFIRMANCE

Nathan Jeremiah Smith appeals from a district court decree of custody and post-decree orders denying a motion to alter or amend and a motion to set aside under NRCP 60(b). Second Judicial District Court, Washoe County; Hon. Bridget E. Robb, Judge; Hon. Linda M. Gardner, Senior Judge.[1]

Smith and respondent Hillary Currier share one child, who was born in 2022. The parties previously resided in Florida, but Currier relocated to Nevada with the child in 2023. Smith later moved to Nevada, and he filed a petition to establish custody. Smith sought joint legal custody of the child and an award of primary physical custody in his favor. Currier answered the petition and counterclaimed for sole legal and physical custody of the child.

Currier subsequently filed orders from other court matters, demonstrating that a justice court issued an order for protection directing

[1]The Honorable Bridget E. Robb signed the decree of custody and the order denying the motion to alter or amend. The Honorable Linda M. Gardner signed the order denying the motion to set aside under NRCP 60(b).

Smith not to contact her and to stay away from her residence, and that Smith had positive drug tests during proceedings involving a criminal matter. The district court issued a temporary order awarding Smith remote parenting time via video calls. The district court also provided that Currier could end the calls if they became inappropriate.

The district court later set this matter for trial. At trial, both Smith and Currier testified concerning the outstanding issues. Notably, Currier testified that Smith committed acts of domestic violence against her, including strangulation. Currier testified that she decided to end their romantic relationship while in Florida and that Smith verbally consented for her to relocate to Nevada with their child. Currier also testified that Smith previously sent her constant and harassing messages. In addition, Currier testified concerning her observations of Smith's troubles with substance abuse and offered her opinion on how those issues impacted Smith's relationship with the child. Finally, Currier explained the child's current living situation, which included her husband and the child's half-siblings.

Smith testified concerning his desire to have an appropriate parental relationship with his child. He noted his issues involving substance abuse but stated that he had not consumed alcohol for some time. However, Smith acknowledged that, within the past year, drug testing as part of his criminal matter revealed positive tests for cocaine and a cannabinoid. Smith also denied committing acts of domestic violence and provided his version of events concerning his romantic relationship with Currier. Currier's husband and Smith's mother also testified regarding their observations of the parties and the child.

The district court subsequently issued a written decree of custody in which it awarded Currier primary physical custody of the child. Concerning legal custody, the court awarded Currier sole decision-making authority concerning the child but directed Currier to provide Smith with information regarding those decisions. In reaching those decisions, the court reviewed NRS 125C.0035(4)'s best interest factors and found, based on the evidence presented at trial, the aforementioned decisions were in the child's best interest. The district court also awarded Smith with parenting time, electing to provide Smith with supervised parenting time through the Family Peace Center, and provided that his parenting time would later transition away from the Family Peace Center should there be no significant problems with Smith's supervised parenting time.

Smith thereafter filed a motion to alter or amend the district court's decree and a motion to set aside the decree pursuant to NRCP 60(b). The district court subsequently entered orders denying those motions, concluding Smith did not demonstrate he was entitled to relief. This appeal followed.

First, Smith challenges the district court's decision to award Currier primary physical custody. Smith contends the district court abused its discretion by finding he committed acts of domestic violence without providing sufficient explanation concerning that finding. In addition, Smith argues that the court abused its discretion by finding he consented to Currier's relocation to Nevada with the child.

This court reviews district court decisions concerning child custody for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239,

241 (2007). In reviewing child custody determinations, this court will affirm the district court's factual findings if they are supported by substantial evidence, "which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Id.* at 149, 161 P.3d at 242. When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1); *Davis v. Ewalefo*, 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015). When evaluating the 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*, 131 Nev. at 450-51, 352 P.3d at 1143. Further, "we presume that the district court properly exercised its discretion in determining the best interests of the child." *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004).

The district court reviewed evidence submitted by the parties and evaluated the testimony presented at trial, which included Currier's testimony concerning domestic violence and her relocation to Nevada with the child. The court specifically found that Currier's testimony was more credible than Smith's. The court explained that several of the best interest factors favored Currier, including her willingness to ensure the child had a relationship with Smith despite his harassing communications, his actions causing conflict between the parties, and his failure to focus on the needs of the child. *See* NRS 125C.0035(4)(c), (d), (e), (h). The court also found that Smith had difficulties with substance abuse and self-control and found he committed acts of domestic violence. *See* NRS 125C.0035(4)(d), (e), (f), (k). The district court also found that the testimony established that Smith consented to Currier's decision to

relocate to Nevada with the child, such that the abduction factor was neutral. *See* NRS 125C.0035(4)(l).

The aforementioned factual findings made in support of these determinations are supported by substantial evidence, and the district court provided sufficient findings concerning its decisions. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242; *cf. Davis*, 131 Nev. at 450, 352 P.3d at 1142 (stating the appellate courts do not defer to "findings so conclusory they may mask legal error."). While Smith challenges the district court's findings, this court is not at liberty to reweigh the evidence or the district court's credibility determinations. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 366, 212 P.3d 1068, 1080 (2009). Accordingly, Smith is not entitled to relief based upon this argument.

Second, Smith argues the district court abused its discretion by awarding Currier sole decision-making authority over the child, contending that the court's findings were not adequate to support its decision. Smith asserts the district court did not appropriately consider his efforts toward rehabilitation and reunification with the child, and notes the court made no findings that he harmed the child.

This court reviews district court decisions concerning legal custody for an abuse of discretion. *Ellis*, 123 Nev. at 149, 161 P.3d at 241; *Kelley v. Kelley*, 139 Nev. 359, 365, 535 P.3d 1147, 1153 (2023) (recognizing that district courts have discretion when making decisions concerning legal custody). "Legal custody involves having basic legal responsibility for a child and making major decisions regarding the child, including the child's health, education, and religious upbringing." *Rivero v. Rivero*, 125 Nev. 410, 420, 216 P.3d 213,

221 (2009), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022). "Joint legal custody requires that the parents be able to cooperate, communicate, and compromise to act in the best interest of the child." *Id.* Moreover, "one parent may have decisionmaking authority regarding certain areas or activities of the child's life, such as education or healthcare." *Id.*

Here, the district court made significant findings concerning the parties' difficulties cooperating and communicating, and found those difficulties were caused by Smith. Notably, the court found that Smith harassed Currier in his communications with her. The court also explained it had concerns regarding Smith's mental health, noting his problems with substance abuse and difficulties with self-control. The court found that Smith exhibited a lack of candor regarding his use of substances and dodged responsibility related to that issue. The district court ultimately found that the evidence established that Smith was unable to make good decisions for himself and that it was unable to trust that he could make good decisions for the child.

In light of the foregoing, the district court determined that it was in the child's best interest to award Currier sole decision-making authority for the child. The aforementioned factual findings made in support of this decision are supported by substantial evidence. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. While Smith challenges the court's findings and asserts that it should have focused on evidence that was favorable to him, this court is not at liberty to reweigh the evidence. *See Grosjean*, 125 Nev. at 366, 212 P.3d at 1080.

Accordingly, Smith fails to demonstrate the district court abused its discretion when reaching its legal custody decision.[2]

Having concluded Smith is not entitled to relief, we

ORDER the judgment of the district court AFFIRMED.[3]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

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[2]To the extent Smith challenges the district court's denials of his motion to alter or amend and his motion to set aside the custody decree pursuant to NRCP 60(b), he does not present cogent argument concerning the district court's decisions. As a result, we need not consider any arguments related to the same. *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). While Smith argues that cumulative error warrants reversal, "[e]ven if the cumulative-error doctrine applied to civil cases, there is no error to cumulate." *Clark v. Marin*, 142 Nev., Adv. Op. 47, 592 P.3d 417, 427 n.6 (2026).

[3]Insofar as Smith 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.

cc: Chief Judge, Second Judicial District Court
Hon. Linda M. Gardner, Senior Judge
Nathan Jeremiah Smith
Hillary Currier
The Second Judicial District Court of the State of Nevada, in and for the County of Washoe, District Court Clerk