

Heather S. Linn
CLERK OF THE COURT

1 ORDR

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3
4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6 [REDACTED],

7 Plaintiff,

8 v.

9 [REDACTED],

10 Defendant.

CASE NO. D-21-XXXXXX-D
DEPT NO. Q

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12
13 FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDERS

14 This matter came before the Court for an Evidentiary Hearing on September 4,
15 2025 (with additional evidentiary hearing dates on November 24, 2025 and December
16 22, 2025). The matter was before the Court on Defendant's initiating Motion to
17 Modify Child Custody; Motion for an Order to Enforce and/or Order to Show Cause
18 Regarding Decree of Divorce; for Issuance of a Behavior Order; for an Injunction
19 Against Harassment; for Attorneys' Fees and Costs; and for Related Relief (Nov. 30,
20 2022) (hereinafter referred to as Defendant's "Motion"). In response thereto, Plaintiff
21 filed an Opposition to Defendant's Motion and Countermotion for Primary Physical
22 Custody of Minor Children, for Attorney's Fees and Costs, and Such Other Relief as the
23 Court Deems Just and Proper (Dec. 27, 2022) (hereinafter referred to as Plaintiff's
24 "Countermotion"). The following matters also were before the Court:
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- (1) The Order to Show Cause set forth in the Order Re: Contempt (Jun. 17, 2025); and
- (2) Defendant's Motion to Temporarily Suspend Video and Telephonic Communications; or in the Alternative, to Certify Intent to Terminate (Feb. 2, 2025).

Plaintiff, [REDACTED] (hereinafter "[REDACTED]" or Plaintiff), appeared in person, and with her attorney, Shannon R. Wilson, Esq. Defendant, [REDACTED] (hereinafter "[REDACTED]" or Defendant"), appeared in person, and with his attorney, Michael Burton, Esq. At the conclusion of the evidentiary hearings, the parties stipulated to submit written closing briefs. As such, the Court has received and reviewed Defendant's Closing Brief (Jan. 9, 2025) (hereinafter referred to as "Defendant's Brief"), and Plaintiff's Closing Brief (Jan. 9, 2025) (hereinafter referred to as "Plaintiff's Brief"). The matter then was taken under advisement.

During the evidentiary hearings, the Court received the testimony of Plaintiff, Defendant, Dr. Kathleen Bergquist, LCSW, JD, PhD, and Chris Cooksey. The Court had the opportunity to evaluate issues pertaining to the credibility and demeanor of each witness.

With respect to documentary and video evidence, the parties previously filed Plaintiff and Defendant's List of Stipulated Exhibits (Feb. 29, 2024), wherein they stipulated to the admission of various exhibits. Combined with the terms of the foregoing stipulation, the parties stipulated to the admission of the following Exhibits: Dr. Bergquist's Report/Child Custody Evaluation (Court's Exhibit 1), CPS Records (Court's Exhibit 2), 1, 2, 3, HH, KK, 4, GG, 5, NN, WW, 6, II, TT, XX, III, JJJ, 7, UU, 8, I, LL, VV, 9, JJ, 12, FFF, GGG, HHH, 14, AA, 15, QQ, 16, 17, 18, CC, 19, 20, 21,

22, 23, BB, 39, PP, 42, 54, 60, 61, 62, 63, DD, 64, E, 66, U, 67, V, 68, 80, 85, 86, IIII,
87, 89, 90, 91, 92, 93, 94, 95, 96, 97, G, I, J, U, V, AA, BB, CC, MM, RR, LLL, NNN,
RRR, WWW, AAAA, GGGG, JJJJ, and MMMM. The Court also admitted, without
objection, Exhibit 11. Finally, the Court admitted, over objection, Exhibit X.

Based on the testimony offered by the witnesses, the documentary evidence
admitted into the record, and the arguments of counsel, the Court finds, concludes and
orders as follows:

I. FACTUAL HISTORY & PROCEDURAL BACKGROUND¹

A. Decree of Divorce (Jul. 21, 2022)

████ and █████ married on September 23, 2018, and divorced on July 21,
2022. As a result of their relationship, they were blessed with two children, namely,
████████████████████ (hereinafter “████”), born November 21, 2019, and ██████████
████████████████████ (hereinafter “████”), born May 30, 2022. █████ has two children from a prior

¹The Procedural Background highlights the extraordinary and unforeseeable
circumstances that extended these proceedings beyond the six month directive of Nevada
Supreme Court Rule 251. The delay also is a reflection of the overwhelming volume of cases
maintained by civil-domestic departments in the Eighth Judicial District Court. The Court of
Appeals for the State of Nevada noted that district courts “are to expedite decisions affecting
the custody of minor children, meaning resolutions must be reached in district court within six
months of custody or parenting time being contested absent unforeseeable circumstances with
specific findings justifying exceeding that time period.” *Roe v. Roe*, 139 Adv. Op. at 9 (2023),
fn. 6. The Court notes that the six-month mandate set forth in Nevada Supreme Court Rule
251 was adopted in 1991 — *before the Family Division was created*. The Court specifically
finds that the legislative and judicial failure to provide the civil-domestic division of the Eighth
Judicial District Court with the resources spoken of in the “Nevada District Court, Family
Division Assessment Report,” makes such a requirement *from 1991* impractical to attain absent
a stipulated resolution by the parties. Policy decisions that limit and *remove* resources available
to children embroiled in these weighty matters were “unforeseen” and are inimical to an
expeditious resolution.

1 relationship, namely, [REDACTED] (now 17 years old), and [REDACTED] (now 14 years old).² The
2 controlling order in this matter is the stipulated Decree of Divorce (Jul. 21, 2022)
3 (hereinafter referred to as “Decree”). [REDACTED] was born less than two months after entry
4 of the Decree. The stipulated Decree set forth a detailed custody schedule³ that
5 included the following *stipulated* orders:
6

7 IT IS FURTHER ORDERED that the parties’ unborn child shall
8 have the first name [REDACTED] and last name [REDACTED]; the parties shall agree on
9 a middle name for [REDACTED].

10 IT IS FURTHER ORDERED that the parties agree to share joint
11 physical custody of the minor children even though Dad’s time may not
12 meet the 40% threshold of *Rivero v. Rivero*, 125 Nev. 410, 216 P.3d 213
13 (2009). In accordance with *Bluestein v. Bluestein*, 131 Nev. 106, 113, 345
14 P.3d 1044, 1049 (2015) stating, “*Rivero’s* 40-percent guidelines should not
15 be so rigidly applied that it would preclude joint physical custody when
16 the court has determined in the exercise of its broad discretion that such
17 a custodial designation is in the child’s best interest,” and further in
18 accordance with *Romano v. Romano*, 138 Nev. Adv. Op. 1, 3, 501 P.3d 980,
19 984 (2022) stating, “parties may designate their agreement as either joint
20 or primary physical custody even if the actual timeshare would not be
21 considered joint or [primary] physical custody under Nevada law, and that
22 designation will control unless the custody arrangement is modified,” the
23 parties agree the following timeshare shall be considered joint physical
24 custody. In other words, so long as the parties are following the timeshare
25 provisions set forth herein, neither party may bootstrap an argument that
26 Dad is not a joint physical custodian. The parties agree to revisit the
27 needs of the children based on their respective developmental needs.

...

...

² [REDACTED] testified that he shares joint physical custody of [REDACTED] and [REDACTED] with their mother pursuant to a “3/3 rolling” schedule.

³On *several* occasions during the pendency of this matter, the Court has commented on the remarkably detailed custody schedule set forth in their Decree. In more than thirty years of combined practice and time on the bench, the undersigned has not seen such detail in a custody schedule.

1 [REDACTED]

2 Phase 1, signing of agreement to age 3

3 The first 53 hours following the end of Dad's routine shift at
4 NLVFD commencing at 9 a.m. and continuing to 2 p.m. on the
5 second day following the end of his NLVFD shift; e.g., Dad's shift
6 ends Monday morning, Dad shall have the child from Monday at
7 9 a.m. to Wednesday at 2 p.m.

8 Phase 2, age 3 to age 6

9 The first 58 hours following the end of Dad's routine shift at
10 NLVFD commencing at 9 a.m. and continuing to 7 p.m. on the
11 third day following the end of his NLVFD shift; e.g., Dad's shift
12 ends Monday morning, Dad shall have the child from Monday at
13 9 a.m. to Wednesday at 7 p.m. Notwithstanding the foregoing
14 provision for pick-up at 7 p.m., until [REDACTED] and [REDACTED]'s schedules
15 align, on days that [REDACTED] and [REDACTED] return to [REDACTED] on the same
16 day, [REDACTED] pick-up shall be at 2:00 p.m. until [REDACTED] steps-up to a
17 7:00 p.m. pick up.

18 Phase 3, age 6 and beyond

19 The first 72 hours following the end of Dad's routine shift at
20 NLVFD commencing at 9 a.m. and continuing to 9 a.m. on the
21 fourth day following the end of his NLVFD shift; e.g., Dad's shift
22 ends Monday morning, Dad shall have the child from Monday at
23 9 a.m. to Thursday when school commences or at 9 a.m. if there is
24 no school.

25 [REDACTED]

26 Phase 1, signing of agreement to age 1

27 The first three days following the end of Dad's routine shift at
NLVFD commencing at 9 a.m. to 2 p.m. each day, i.e., no
overnights.

Phase 2, age 1 to age 1 ½

The first 29 hours following the end of Dad's routine shift at
NLVFD commencing at 9 a.m. to 2 p.m. on the second day
following the end of his NLVFD shift; e.g., Dad's shift ends
Monday morning, Dad shall have the child from Monday at 9 a.m.
to Tuesday at 2 p.m.

Phase 3, age 1 ½ to age 2

The first 53 hours following the end of Dad's routine shift at NLVFD commencing at 9 a.m. to 2 p.m. on the third day following the end of his NLVFD shift; e.g., Dad's shift ends Monday morning, Dad shall have the child from Monday at 9 a.m. to Wednesday at 2 p.m.

Phase 4, age 2 to age 6

The first 58 hours following the end of Dad's routine shift at NLVFD commencing at 9 a.m. and continuing to 7 p.m. on the third day following the end of his NLVFD shift; see example for [REDACTED] above.

Phase 5, age 6 and beyond

The first 72 hours following the end of Dad's routine shift at NLVFD commencing at 9 a.m. and continuing to 9 a.m. on the fourth day following the end of his NLVFD shift; see example for [REDACTED] above.

IT IS FURTHER ORDERED that transportation for the routine timeshare shall be made by the receiving parenting [sic] from the residential parent's home pursuant to the text and seat belt rule. The parties agree that each shall have their own age/weight appropriate car seats for both children.

IT IS FURTHER ORDERED that there shall be a **five (5) hour right of first refusal**; whereby if either parent is unavailable to the children for a period of five (5) hours or more, then the non-residential parent shall have the right of first refusal to care for the children.

* * * *

IT IS FURTHER ordered that in the event of a military duty greater than three (3) weeks, Dad shall receive four (4) days of make-up time for each three (3) weeks of military duty. The make-up time cannot be exercised inconsistently with the phased timeshare plan, meaning that Dad will receive make-up time on what would otherwise be Mom's days, but the time Dad receives shall be consistent with the time afforded him under the phase in effect at the time of his departure for military duty. The parties shall use good faith efforts to schedule the makeup time to be exercised as soon as practicable upon Dad's return from military duty, but not beyond one year following Dad's return from military duty. Holiday timeshare shall prevail over makeup time.

1 * * * *

2 IT IS FURTHER ORDERED that either party may enroll the
3 children in an extracurricular activity on their residential time at their own
4 expense (or shared if agreed in writing) so long as it does not interfere
5 with the other parent's residential time. If either party desires to enroll
6 the child in an extracurricular activity that would interfere with the other
7 party's residential time, then they shall first provide the other parent, in
8 writing, with information pertaining to the activity, including the
9 schedule, location, and cost; and the party wishing to enroll the child shall
10 obtain, in writing, the other party's written permission to enroll the child.
11 Whether the cost will be shared, shall also be signed in writing. A writing
12 may include a mutually acknowledged email or text message exchange.

13 Decree at pp. 7-10 (emphasis in original).

14 B. Post-Decree Motion and Countermotion

15 Less than five months after entry of the Decree, [REDACTED] filed his Motion. By way
16 of his Motion, [REDACTED] requested the following relief:

- 17 (1) A modification of physical custody of the minor children, with [REDACTED]
18 maintaining primary physical custody, subject to reasonable visits for
19 [REDACTED];
- 20 (2) Enforcement of the Decree regarding telephonic contact with the non-
21 custodial parent and [REDACTED] current visitation pursuant to the Decree;
- 22 (3) Holding [REDACTED] in contempt;
- 23 (4) Imposition of fines against [REDACTED] for contempt;
- 24 (5) A behavior order;
- 25 (6) An injunction against [REDACTED] against harassing [REDACTED] during his custodial
26 time;
- 27 (7) Fees and costs;
- (8) An accurate financial disclosure form from [REDACTED]; and
- (9) Child support.

28 [REDACTED]'s Motion at pp. 2-3.

29 By way of her Countermotion, [REDACTED] requested the following relief:

- 30 (1) Deny [REDACTED] Motion with the exception of the issuance of a behavior
31 order;

32 . . .

- (2) An evidentiary hearing on [REDACTED] Motion to Modify Custody, to include a modification of [REDACTED] and [REDACTED] timeshare;
- (3) Waiver of child support modification associated with her request to modify custody;
- (4) Order that the parties complete an electronic visitation/communication log for each child exchange;
- (5) Compel [REDACTED] to produce records for days/hours of [REDACTED] National Guard duty;
- (6) Fees and costs for the opposition and countermotion, as well as for the evidentiary hearing; and
- (7) A financial disclosure form from [REDACTED].

[REDACTED] Countermotion at pp. 5-6.

By the time of the evidentiary hearing, [REDACTED] had abandoned her request to modify custody. [REDACTED] Motion and [REDACTED] Countermotion generated several hearings that spanned more than three years. Prior to *Maurice v. Maurice*, 138 Nev. 964, 502 P.3d 734 (2022), unpublished,⁴ and *Myers v. Haskins*, 138 Nev. 553, 513 P.3d 527 (2022), this Court would have summarily denied both the Motion and Countermotion as legally insufficient to warrant further proceedings under *Rooney v. Rooney*, 109 Nev. 540, 853 P.2d 123 (1993). The proverbial “ink” was barely dry on the Decree that the parties successfully had negotiated months earlier. Notwithstanding the undersigned’s firm belief that “stability of custody arrangements” should be a real and not a fictional concept, appellate guidance has instructed that district court’s have little *actual*

⁴In *Maurice*, the Court of Appeals of the State of Nevada, concluded that “a change in a parents’ work schedule can be considered a change in circumstances if it affects the welfare of the children.” The record before the district court in *Maurice* reflected that the parent seeking to modify custody (from having visitation to requesting joint physical custody) due to a change in work schedule was actually unemployed at the time of the stipulated custody schedule — *i.e.*, there was no work schedule in place when the father stipulated that the mother maintain primary physical custody. The Court of Appeals of the State of Nevada found that the district court *abused* its discretion by not considering as a *substantial* change in circumstances the fact that a parent’s work schedule had changed from no employment to a four-day work week.

1 discretion in determining whether evidentiary proceedings are warranted. This Court
2 is required to “accept the movant’s specific allegations as true” — *as absurd as the*
3 *allegations might be. Myers, 138 Nev. at 557, 513 P.3d at 53 2. As a result, [REDACTED] and*
4 *[REDACTED]* were forced to spend significant resources (in terms of time and money) on this
5 three-year endeavor. These findings, conclusions and orders set forth the fruits of the
6 Court revisiting a six-month old Decree (as required by *Maurice* and *Myers*). To
7 appreciate the unforeseen and unique circumstances that caused the elongation of these
8 proceedings, the Court summarizes the pre-evidentiary hearings as follows:

10 1. January 11, 2023 Hearing

11 The initial hearing on [REDACTED] Motion was held on January 11, 2023. At the
12 hearing, the Court noted that the Decree recently had been entered and (for the first
13 of *many* occasions) commented on the detail of the Decree with respect to child custody.
14 The Court observed that the only “common thread” between the parties’ respective
15 papers was each party’s request to modify joint physical custody. Citing NRS
16 125C.0025(2),⁵ the Court entertained discussion about a potential custody evaluation.
17 Through his counsel, [REDACTED] offered:

18 While my client does say that if we can’t co-parent and if we’re going to
19 continue down the contempt path where things aren’t getting done
20 according to the Decree, we would want custody to change. What my
21 client is looking at is *he wants to keep the joint custody schedule*, and what he
22 is looking at is making sure that it’s followed. And so we have some issues
23

24 ⁵NRS 125C.0025(2) provides that, “[f]or assistance in determining whether an award
25 of joint physical custody is appropriate, the court may direct that an investigation be
26 conducted.” NRS 125C.0025 was added in 2015. Based on the undersigned’s experience, it
27 is not uncommon that such an investigation alone can take up to six months to complete –
making the six month requirement to Supreme Court Rule 251 instantaneously illusory.

1 with makeup time, we have some issues with hour phone calls from mom
2 with the child daily. These things are things that interfere with his rights
3 to have his children and dictating the way that he's going to handle the
4 kids with him. So, we're asking for some modification, but we understand
that to modify from joint to primary, as I'm sure opposing counsel does,
that are the facts there? Maybe, maybe not.

5 * * * *

6 So, my client's not specifically looking to change custody. My thought was
7 if this doesn't work out, if she can't control her behavior towards my
8 client, then the *punishment* or the thing that needs to happen would be
9 that the custody changes because he will foster the relationship, because
he won't interfere. So, we just want her to leave him alone with the kids.

10 January 11, 2023 Hearing Video at 9:10, 9:12 (emphasis added).

11 Through her counsel, [REDACTED] disputed [REDACTED]'s characterizations of what had
12 characterizations of what had
transpired since the entry of the Decree. She added that she was confused by [REDACTED]
13 seemingly backing-off on his request to modify custody, arguing:

14 I don't think that you, or I, or Ms. Jacovino frankly can parse through the
15 parties' communications and understand really what's going on here. We
16 have two educated, intelligent folks who have very different parenting
17 approaches, and the co-parenting situation I think the one thing that we
can all agree on is it's not good and it needs to be improved.

18 *Id.* at 9:14.

19 The Court scheduled a Status Check hearing for April 17, 2023, and established
20 a protocol for selecting an evaluator to conduct the investigation pursuant to NRS
21 125C.0025(2). (A Stipulation & Order for Custody Evaluation (Apr. 7, 2023) was
22 entered thereafter.⁶) The Court emphasized its role from a "macro-manager" perspective
23 and that the Court was not inclined to "micro-manage" their parenting approaches. The
24

25
26 ⁶The parties stipulated to "retain Kathleen Bergquist, Ph.D, to perform a custody
27 evaluation." Stipulation & Order for Custody Evaluation (Apr. 7, 2023) at p. 1.

1 Court also observed:

2 I look at these two parties and, I think part of it is recognizing these are
3 two capable parents. Both sides acknowledged that. . . I don't necessarily
4 look at either parent as being incapable of taking care of children. . . I
5 agree that the communication between the parents has much to be
6 desired. . . I appreciate the level of detail that was reached and achieved
in the ultimate resolution that was placed on the record and reflected in
the Decree.

7 *Id.* at 9:17, 9:19.

8 2. September 11, 2023 Hearing

9 Pursuant to the parties' Stipulation and Order to Continue Hearing (Apr. 13,
10 2023), the Status Check hearing was continued from April 17, 2023 to August 7, 2023,
11 to allow Dr. Bergquist time to complete her custody evaluation. A second Stipulation
12 and Order Re: CPS Records and Continue Status Check Hearing (Aug. 7, 2023),
13 continued the hearing to September 11, 2023. At the September 11, 2023 hearing,
14 counsel for the parties reported that settlement discussions were ongoing and requested
15 that the matter be continued. The Court noted that Dr. Bergquist's custody evaluation
16 had recently been received. After discussions regarding access to CPS records, the Court
17 directed that both parties should be allowed to review CPS records in their respective
18 attorney's offices. The Status Check hearing was rescheduled for October 4, 2023.

21 3. October 4, 2023 Hearing

22 At the October 4, 2023 hearing, the Court noted that it had the opportunity to
23 review portions of Dr. Bergquist's custody evaluation. The parties reported that they
24 had reached agreements on certain issues (based on recommendations in the report from
25 Dr. Bergquist), and the terms were placed on the record. The parties requested a
26

1 settlement conference with Senior Judge Elliott (who previously had assisted the parties
2 in negotiating the terms of their original Decree). The Court approved the stipulated
3 terms placed on the record, which were memorialized in the Order from October 4,
4 2023 Hearing (Oct. 17, 2023), and included, in pertinent part, the following:

6 **2. IT IS HEREBY AGREED AND THEREFORE**
7 **STIPULATED AND ORDERED AS FOLLOWS:**

8 a. The Parents shall enroll their minor child, [REDACTED]
9 [REDACTED], in play therapy to address anxiety and assist the child with
10 managing and expressing her feelings; the child's therapy shall be
11 shielded from litigation. Following colloquy by both counsel with
12 the Court, the parties shall utilize Michelle Gravely, Psy.D. for this
13 purpose.

14 b. The Parents shall continue/start their own individual
15 therapy with therapists of their own choosing so that they can
16 separate their feelings towards each other from their co-parenting
17 relationship and address their own trauma histories.

18 c. The Parents shall not use corporal punishment upon
19 the minor children and including that neither shall use exercise as
20 punishment.

21 d. Dad shall not leave minor alone with his older
22 children unless Grandfather is present to supervise, including when
23 Dad picks up and drops off the younger minor child ([REDACTED]) to
24 Mom when it is still his timeshare with the older minor child
25 ([REDACTED]).

26 e. The Parents complete a Triple P Positive Parenting
27 Program, preferably in-person so that they have shared knowledge
and skills for healthy parenting.

f. The Parents shall consult with their pediatrician,
rather than Google, for health-related matters. If one of the parents
cannot attend an appointment, then the attending parent shall
request permission to video the doctor's recommendation so that
the parent's can have the same information in real time.

g. Video calls shall be limited to once per day for no
more than 15 minutes until the children are school-aged. The calls
shall be at a time when they can be consistent, which the parties
agree is 7:30 p.m. If the non-custodial parent is not available for
the video call due to work or other unforeseen emergency, then
they shall notify the custodial parent of their unavailability as soon
as possible and they shall be afforded a make-up call as soon as

1 practical, either earlier that day or the next morning if a later call
2 would interfere with bedtime. Each party shall ensure that *both*
3 their WiFi and cellular services are enabled for FaceTime calls to
ensure they are connected.

4 h. The Parents shall NOT record or take photos of the
5 children and/or child exchanges. However, if they wish to have
6 recordings, then they may install cameras in their homes or cars
that are less intrusive than a phone. Nothing within this provision
shall be construed to prohibit either party from taking family
videos or photos.

7
8 **3. IT IS FURTHER ORDERED** that based on the parties'
9 agreement, a Settlement Conference shall be scheduled with Senior Judge
Elliott if available. Counsel may contact the Court for scheduling.

10 **4. IT IS FURTHER ORDERED** that a RETURN HEARING
11 is scheduled for January 29, 2024 at 10:00am.

12 Order from October 4, 2023 Hearing (Oct. 17, 2023), pp. 2-5.

13 As the core issue of their competing requests to modify custody had not been
14 resolved, an evidentiary hearing was scheduled for February 29, 2024.⁷ (Both parties
15 agreed to a full-day trial setting for late February. Although the Court offered an earlier
16 date (February 15, 2024), both parties were not available on that date. The Court
17 reiterated:

18
19 *Keep in mind, the motions filed by both parties seek what's in the nature of primary*
20 *physical custody. Both sides recognize that this report really does not move the*
21 *needle in terms of the court deviating from joint physical custody. I believe that, in*
22 *and of itself, perhaps may help narrow the issue. I recognize the fact that it's just*
23 *the report, but it is a detailed custody evaluation. And so there's certainly nothing*
24 *in the recommendations that Dr. Bergquist has set forth that would push me*
25 *towards awarding primary physical custody to either party. It really becomes this*

26 ...

27 ⁷In the midst of these custody proceedings, [REDACTED] filed a Motion to Terminate Spousal
Support (Oct. 30, 2023), which was heard on December 13, 2024. A summary of the
December 13, 2024 hearing is not included herein.

1 *issue of the schedule. The parties were successful before in putting together an*
2 *agreement that, listen, I think that's one of the more unique agreements I've seen*
3 *since I've been on the bench. It was very detailed.*

4 October 4, 2023 Hearing Video at 9:48 (emphasis added).

5 The Court established filing deadlines prior to the evidentiary hearing and
6 scheduled a return hearing/calendar call for January 29, 2024 (following the parties'
7 pursuit of a settlement conference).

8 4. January 29, 2024 Hearing

9 At the January 29, 2024 Return Hearing: Case Status, the parties stipulated to
10 the admission of Dr. Bergquist's Child Custody Evaluation as an exhibit at the
11 evidentiary hearing. ■■■■ appeared in proper person at the hearing. The Court learned
12 that there had been no settlement conference (despite the mutual interest expressed at
13 the prior hearing), and noted that there were other matters on the Court's future
14 calendar based on recent filings. Although ■■■■ stated that he "generally speaking" was
15 amenable to settlement conferences, he stated:
16

17 Ms. ■■■■ is aware of my position. I appreciate counsel's offer to settle.
18 And generally speaking, I would be amenable to that, but considering the
19 facts and the contentions that are at issue, I don't see how you can settle
20 matters of, I don't even want to bring it up in the court, but the matters,
21 the allegations that are central to the issue. I don't find it to be something
22 that can be settled in good faith. I think there has to be a finding of fact
23 as to whether these events occurred and are continuing to be alleged that
24 there still occurring. There needs to be a finding of fact as to that.
25 Regarding settlement, I did put an offer forward that was commensurate
26 with Dr. Bergquist's recommendations for joint custody and a stipulated
27 finding of fact that the kids are safe in both homes, and that there's not
child abuse or neglect happening in either one, but Ms. ■■■■ seems to
have been not amenable to that in the least.

January 29, 2024 Hearing Video at 10:37.

1 As a result, the Court was not inclined to order the parties' participation in a
2 settlement conference. The Court reiterated the fact that Dr. Bergquist's "lengthy" and
3 "voluminous" report did not "move the needle" from joint physical custody. The Court
4 also addressed the pending motion that related to access to the report by the parties.
5 The Court emphasized its desire to make sure that both parties had access to the report.
6 [REDACTED] offered that she had completed the Triple P Parenting class and learned that
7 being "right" or "wrong" is not the parenting solution. The Court observed that
8 oftentimes parents come to court looking for some level of vindication, and just as often
9 leave court falling short of what they were looking for (i.e., unmet expectations).
10

11
12 5. February 29, 2024 Hearing

13 Both parties appeared at what was scheduled to be the Evidentiary Hearing. Also
14 appearing was Amity Latham, Esq., from the Department of Family Services, and
15 Alexander Falconi, Esq., of Our Nevada Judges, Inc. The Court reported that it had
16 received a Media Request on February 17, 2024, and emphasized that these proceedings
17 are inherently public in nature. Although there may be confidential aspects to the
18 proceedings, the process should be open and transparent. (There also was a Motion to
19 Unseal (Feb. 23, 2024) filed on behalf of Our Nevada Judges, Inc., that was withdrawn.
20 See Notice of Withdrawal of Motion to Seal (Mar. 9, 2024)). As a result of the Media
21 Request, [REDACTED] filed a motion to continue to allow her to pursue relief associated with
22 the request. [REDACTED] expressed his desire to proceed, noting that he had witnesses (some
23 from out-of-state) that were prepared to testify.
24
25

26 . . .
27

1 The Court clarified that, despite entry of a prior sealing order, the entire matter
2 is *not* sealed, notwithstanding arguments to the contrary. (As part of the video record,
3 the Court read the applicable portions of the NRS 125.110.) The Court indicated that
4 it was not inclined to proceed with the evidentiary hearing without allowing [REDACTED] the
5 opportunity to address the Media Request. Notwithstanding her objection to the
6 Media Request, the Court informed the parties of its intent to sign the Media Request
7 and Order for Camera Access to Court Proceedings (Feb. 29, 2024), but that [REDACTED]
8 should have the opportunity to file responsive papers. Accordingly, the Evidentiary
9 Hearing was continued to May 2, 2024.
10

11
12 6. April 30 & May 2, 2024 Hearings

13 [REDACTED] filed her NRAP 8 Motion for Stay Re: Media Request and Order Filed
14 April 9, 2024, or in the Alternative Stay of Proceedings, Pending Writ Petition (Apr.
15 19, 2024), and the matter was scheduled on an Order Shortening Time (Apr. 24, 2024).
16 The Court found that it was not inclined to stay the Media Request. However, the
17 evidentiary hearing would be stayed if [REDACTED] pursued appellate writ relief in light of
18 the significance of the issues from a public policy perspective.
19

20 7. November 5, 2024 Hearing

21 The matter came before the Court on [REDACTED] Petition for Orders Compelling
22 Release of Confidential Agency Records Pursuant to NRS 432B.290(6) (Sep. 20, 2024).
23 [REDACTED] filed an Opposition to Defendant's Petition for Orders Compelling Release of
24 Confidential Agency Records Pursuant to NRS 432B.290(6) (Oct. 11, 2024). At the
25 hearing, [REDACTED] expressed concerns about limits to his ability to access CPS records and
26
27

1 the custody evaluation (which were reviewable at the courthouse). After [REDACTED] clarified
2 that he was not seeking the disclosure of “reporting sources” for the CPS records, there
3 was no objection to release the records to the parties. In granting [REDACTED] Petition, the
4 Court issued its Order Re: November 5, 2024 Hearing (Nov. 18, 2024).

6 8. February 18, 2025 Hearing⁸

7 The hearing was scheduled as a “Calendar Call” following the issuance of the writ
8 decision from the Supreme Court of Nevada. The Court offered an evidentiary hearing
9 date of March 20, 2025; however, the parties reported that Dr. Bergquist was not
10 available on that date. The next available dates on the Court’s calendar were May 8th
11 or May 15th. The parties agreed to set the evidentiary hearing for May 15, 2025 at 9:00
12 a.m. The parties thereafter stipulated to continue the May 15th Evidentiary Hearing
13 based on Dr. Bergquist’s unavailability. *See* Stipulation and Order to Continue Hearing
14 (Mar. 5, 2025). As a result, and at their stipulated request, the evidentiary hearing was
15 continued to September 4, 2025.

17 The Court entertained further discussions regarding media access and the Media
18 Request. The Court again emphasized the inherent policy of openness and
19 transparency. The Court also again reminded the parties of the detail of their prior
20 custody agreement and reiterated that the Court’s opinion remained unchanged that
21 both parents are good and loving parents who have different approaches to parenting
22
23

24
25 ⁸At the time of the February 18, 2026 hearing, [REDACTED] had filed a Motion to Temporarily
26 Suspend Video and Telephonic Communications; or in the Alternative, to Certify Intent to
27 Terminate (Feb. 2, 2025). The Court continued this motion to the time of the evidentiary
hearing.

1 – but nevertheless show “flashes” of effective co-parenting. Although the Court
2 appreciated the intimate and private nature of these proceedings on a personal level, the
3 judicial component of this process requires openness and transparency. The Court
4 found that this matter included unique aspects of expert testimony and involvement of
5 Child Protective Services. In light of the sensitive nature of this specific information,
6 the Court found that it was appropriate to restrict the recording and dissemination of
7 Dr. Bergquist’s testimony, as well as specific testimony regarding the CPS investigation.

9 9. May 27, 2025 Hearing

10 This was the final hearing prior to the beginning of the evidentiary hearing. The
11 matter came before the Court on [REDACTED] Motion for an Order to Enforce and/or for an
12 Order to Show Cause Regarding Contempt (Apr. 14, 2025) (hereinafter “Contempt
13 Motion”), and Plaintiff’s Opposition to Defendant’s Motion Filed April 14, 2025 (Apr.
14 28, 2025) (hereinafter Plaintiff’s “Opposition”). [REDACTED] presented his Contempt Motion
15 as a “quasi-criminal matter.” The Court observed that a portion of the requests for
16 contempt findings related to medical care and treatment of the children that should be
17 closed to the public. The Court received sworn testimony of the parties at the May 27,
18 2025 hearing. After outlining standards of contempt, the Court found that the
19 proceedings were in the nature of civil contempt. Two prior orders were specifically
20 identified (with a third request related to [REDACTED] request for make-up custodial time).
21 The two primary provisions at issue included an extracurricular provision of the parties’
22 Decree (which the Court noted generally was not an uncommon provision) and a
23 medical care provision that was unique to the parties’ circumstances (arising from the
24
25
26
27

1 Order from October 4, 2023 Hearing (Oct. 17, 2023)).⁹ The Court observed that
2 Exhibit 7 offered by █████ epitomized the lack of trust between the parties and the
3 reason for the medical provision, stating:

4 I watched the video and I understand how it brings everything in the past
5 to the forefront – perhaps on both sides. Plaintiff appears in the video
6 asking some questions repeatedly as if not satisfied with the initial answer
7 that was given. It got to the point where █████ appeared to become
8 somewhat agitated with the discussion. Again, although not germane to
9 these contempt proceedings, it appeared that █████ suffered some type of
10 a UTI. But because of the history in this matter, and concerns and
11 allegations regarding sexual abuse, any time a child now experiences
12 anything like this, suspicions become automatic, and that rises perhaps on
13 both sides. Thus, we have a provision that mandates the recording of a
14 doctor's recommendations so both parties are able to be present.

15 May 27, 2025 Hearing Video at 9:24.

16 After receiving testimony from the parties, the issue of contempt was taken under
17 advisement. The Court thereafter issued its Order Re: Contempt (Jun. 17, 2025).
18 Pursuant thereto, the Court ordered as follows:

19 It is hereby ORDERED that Plaintiff appear at the evidentiary
20 hearing scheduled for September 4, 2025 and show cause why the Court
21 should not issue findings and orders regarding contempt for violating the
22 Order from October 4, 2023 Hearing (Oct. 17, 2023), by failing to request
23 permission to video the doctor's recommendations on August 28, 2024.

24 . . .

25 . . .

26 ⁹The specific provision at issue provides as follows:

27 The Parents shall consult with their pediatrician, rather than Google, for health-
related matters. If one of the parents cannot attend an appointment, then the
attending parent shall request permission to video the doctor's recommendation
so that the parent's can have the same information in real time.

Order from October 4, 2023 Hearing (Oct. 17, 2023) at p. 3.

1 It is further ORDERED that, in all other respects, the Motion is
2 DENIED.

3 Order Re: Contempt (Jun. 17, 2025) at p. 16.

4 This evidentiary hearing followed.

5 II. CONCLUSIONS OF LAW

6 The Court “may modify a joint or primary physical custody arrangement only
7 when ‘(1) there has been a substantial change in circumstances affecting the welfare of
8 the child, and (2) the child's best interest is served by the modification.’” *Romano v.*
9 *Romano*, 138 Adv. Op. 1, 501 P.3d 980, quoting *Ellis v. Carucci*, 123 Nev. 145, 150, 161
10 P.3d 239, 242 (2007). In revisiting the *Murphy* standard, the Supreme Court of
11 Nevada noted that “the underlying premise behind the *Murphy* standard, which aims
12 to promote stability by discouraging the frequent relitigation of custody disputes, still
13 applies today.” *Ellis v. Carucci*, 123 Nev. 145, 150, 161 P.3d 239, 242 (2007).
14 applies today.” *Ellis v. Carucci*, 123 Nev. 145, 150, 161 P.3d 239, 242 (2007).
15 applies today.” *Ellis v. Carucci*, 123 Nev. 145, 150, 161 P.3d 239, 242 (2007).

16 NRS 125C.001 provides, in pertinent part, that it is the policy of the State of
17 Nevada:

- 18 1. To ensure that minor children have frequent associations and
19 a continuing relationship with both parents after the parents have ended
20 their relationship, become separated or dissolved their marriage;
21 2. To encourage such parents to share the rights and
22 responsibilities of child rearing.

23 NRS 125C.002 provides as follows:

- 24 1. When a court is making a determination regarding the legal
25 custody of a child, there is a presumption, affecting the burden of proof,
26 that joint legal custody would be in the best interest of a minor child if:
27 ...

1 (a) The parents have agreed to an award of joint legal
2 custody or so agree in open court at a hearing for the purpose of
determining the legal custody of the minor child; or

3 (b) A parent has demonstrated, or has attempted to
4 demonstrate but has had his or her efforts frustrated by the other
parent, an intent to establish a meaningful relationship with the
5 minor child.

6 2. The court may award joint legal custody without awarding joint
physical custody.

7
8 NRS 125C.0025 provides as follows:

9 1. When a court is making a determination regarding the
10 physical custody of a child, there is a preference that joint physical
custody would be in the best interest of a minor child if:

11 (a) The parents have agreed to an award of joint physical
12 custody or so agree in open court at a hearing for the purpose of
determining the physical custody of the minor child; or

13 (b) A parent has demonstrated, or has attempted to
14 demonstrate but has had his or her efforts frustrated by the other
parent, an intent to establish a meaningful relationship with the
15 minor child.

16 2. For assistance in determining whether an award of joint
17 physical custody is appropriate, the court may direct that an investigation
be conducted.

18 NRS 125C.003 provides, in pertinent part, as follows:

19 1. A court may award primary physical custody to a parent if
20 the court determines that joint physical custody is not in the best interest
of a child. An award of joint physical custody is presumed not to be in the
21 best interest of the child if:

22 (a) The court determines by substantial evidence that a
23 parent is unable to adequately care for a minor child for at least
146 days of the year.

24
25 If either party meets the burden of demonstrating a “substantial change in
26 circumstances affecting the welfare of the child,” they then must demonstrate that a

27 . . .

1 modification of custody is in the children's best interest. With respect to the children's
2 best interest, NRS 125C.0035 provides, in pertinent part, as follows:

3 1. In any action for determining physical custody of a minor
4 child, the sole consideration of the court is the best interest of the child.
5 If it appears to the court that joint physical custody would be in the best
6 interest of the child, the court may grant physical custody to the parties
jointly.

7 2. Preference must not be given to either parent for the sole
8 reason that the parent is the mother or the father of the child.

9 * * * *

10 4. In determining the best interest of the child, the court shall
11 consider and set forth its specific findings concerning, among other things:

12 (a) The wishes of the child if the child is of sufficient age
13 and capacity to form an intelligent preference as to his or her
physical custody.

14 (b) Any nomination of a guardian for the child by a
parent.

15 (c) Which parent is more likely to allow the child to have
16 frequent associations and a continuing relationship with the
noncustodial parent.

17 (d) The level of conflict between the parents.

18 (e) The ability of the parents to cooperate to meet the
19 needs of the child.

20 (f) The mental and physical health of the parents.

21 (g) The physical, developmental and emotional needs of
22 the child.

23 (h) The nature of the relationship of the child with each
parent.

24 (i) The ability of the child to maintain a relationship
25 with any sibling.

26 (j) Any history of parental abuse or neglect of the child
27 or a sibling of the child.

 (k) Whether either parent or any other person seeking
physical custody has engaged in an act of domestic violence against
the child, a parent of the child or any other person residing with
the child.

 (l) Whether either parent or any other person seeking
physical custody has committed any act of abduction against the
child or any other child.

1 NRS 125C.0045 adds, in pertinent part, as follows:

2 1. In any action for determining the custody of a minor child,
3 the court may, except as otherwise provided in this section and NRS
4 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:

5 (a) During the pendency of the action, at the final hearing
6 or at any time thereafter during the minority of the child, make
7 such an order for the custody, care, education, maintenance and
8 support of the minor child as appears in his or her best interest;
9 and

10 (b) At any time modify or vacate its order, even if custody
11 was determined pursuant to an action for divorce and the divorce
12 was obtained by default without an appearance in the action by
13 one of the parties.

14 2. Any order for joint custody may be modified or terminated
15 by the court upon the petition of one or both parents or on the court's
16 own motion if it is shown that the best interest of the child requires the
17 modification or termination. The court shall state in its decision the
18 reasons for the order of modification or termination if either parent
19 opposes it.

20 Finally, a modification of custody should not be used “as a sword to punish
21 parental misconduct, disobedience of court orders is punishable in other ways.” *Lewis*
22 *v. Lewis*, 132 Nev. 453, 459, 373 P.3d 878, 882 (2016), *quoting Sims v. Sims*, 109 Nev.
23 1146, 1149, 865 P.2d 328, 330 (1993). Thus, the Court does not accept prior
24 intimations of the use of these proceedings as a means of punishment through a
25 modification of custody.

26 III. FINDINGS OF FACT

27 With the passage of time, combined with the evidence offered through this
process, each party's requests for relief have evolved. Specifically, as a result of the
evidentiary hearing, [REDACTED] requests for relief include the following.

- 1) Awarding Primary Physical Custody to [REDACTED] on a 4/2 rolling schedule based on his FD schedule; or alternatively accelerating the current step-up time share a 3/3 rolling schedule based on [REDACTED] FD schedule with parallel parenting protocols and protective findings and an anti-disparagement clause as detailed in Seciton 5.
- 2) Eliminating the Right of First Refusal.
- 3) Eliminating FaceTime, Implement Our Family Wizard for party communications including routing electronic communications with the kids to be exclusively through recorded OFW video calls, bounded, as described in Section 3.
- 4) Finding [REDACTED] in Contempt as to her actions at the 8-28-24 ER visit.
- 5) Awarding [REDACTED] Medical Tie-Breaking protocol as described in Section 6.
- 6) Order Extracurricular protocol as described in Section 7.
- 7) Recalculation of [REDACTED] Income and then Support determination based on the Guidelines in the NACs.
- 8) Awarding [REDACTED] attorney fees for having move [sic] to protect the kids.

Defendant's Brief at 19.

As a result of t he evidentiary hearing, [REDACTED] requests for relief include the following:

- A. Everything stays the same as far as legal and physical custody are concerned i.e. maintain the legal and physical custody provisions of the July 21, 2022 decree;
- B. The court review [REDACTED] motions before they are filed and [REDACTED] has to pay an attorney to facilitate them;
- C. [REDACTED] first ex-wife, [REDACTED], not be permitted to care for [REDACTED] and [REDACTED] because [REDACTED] observed [REDACTED] speak to and treat [REDACTED] own son, [REDACTED] abusively;
- D. Retain the parties' stipulated order entered October 17, 2023, which incorporated certain of Dr. Bergquist's recommendations;
- E. Removal of the came ra [REDACTED] observed above [REDACTED] bed at [REDACTED] home; and
- F. Attorney's fees and costs for having to defend this action.

Plaintiff's Brief at p. 3.

...

The following is a comparison of their respective requests for relief in their initiating papers and their closing briefs:¹⁰

Motion	Defendant's Brief
A modification of physical custody of the minor children, with [REDACTED] maintaining primary physical custody, subject to reasonable visits for [REDACTED];	Awarding Primary Physical Custody to [REDACTED] on a 4/2 rolling schedule based on his FD schedule; or alternatively accelerating the current step-up time share a 3/3 rolling schedule based on [REDACTED] FD schedule with parallel parenting protocols and protective findings and an anti-disparagement clause as detailed in Section 5.
Enforcement of the Decree regarding telephonic contact with the non-custodial parent and [REDACTED] current visitation pursuant to the Decree;	Eliminating the Right of First Refusal.
Holding [REDACTED] in contempt;	Eliminating FaceTime, Implement Our Family Wizard for party communications including routing electronic communications with the kids to be exclusively through recorded OFW video calls, bounded, as described in Section 3.
Imposition of fines against [REDACTED] for contempt.	Finding [REDACTED] in Contempt as to her actions at the 8-28-24 ER visit.
A behavior order;	Awarding [REDACTED] Medical Tie-Breaking protocol as described in Section 6.
An injunction against [REDACTED] against harassing [REDACTED] during his custodial time.	Order Extracurricular protocol as described in Section 7.
Fees and costs;	Awarding [REDACTED] attorney fees for having move [sic] to protect the kids.
An accurate financial disclosure form from [REDACTED]	Recalculation of [REDACTED] Income and then Support determination based on the Guidelines in the NACs.
Child support.	

...

...

¹⁰At the time of the Evidentiary Hearing, [REDACTED] abandoned her request for primary physical custody. In the Child Custody Evaluation, Dr. Bergquist noted that: "Both parents are requesting primary physical custody, however xxx acknowledges that he would be happy with joint physical custody." Child Custody Evaluation at p. 67.

Countermotion	Plaintiff's Brief
Deny [REDACTED] Motion with the exception of the issuance of a behavior order.	Everything stays the same as far as legal and physical custody are concerned i.e. maintain the legal and physical custody provisions of the July 21, 2022 decree.
An evidentiary hearing on [REDACTED] Motion to Modify Custody, to include a modification of [REDACTED] and [REDACTED] timeshare.	The court review [REDACTED] motions before they are filed and [REDACTED] has to pay an attorney to facilitate them.
Waiver of child support modification associated with her request to modify custody.	[REDACTED] first ex-wife, [REDACTED] [REDACTED] not be permitted to care for [REDACTED] and [REDACTED] because [REDACTED] observed [REDACTED] speak to and treat [REDACTED] own son, [REDACTED] abusively;.
Order that the parties Complete an electronic visitation/communication log for each child exchange.	Retain the parties' stipulated order entered October 17, 2023, which incorporated certain of Dr. Bergquist's recommendations.
Compel [REDACTED] to produce records for days/hours of [REDACTED] National Guard duty.	Removal of the camera [REDACTED] observed above [REDACTED] bed at [REDACTED] home.
Fees and costs for opposition and countermotion, as well as for the evidentiary hearing.	Attorney's fees and costs for having to defend this action.
A financial disclosure form from [REDACTED] .	

A. CUSTODY MODIFICATION

1. CHANGE IN CIRCUMSTANCES

In his initiating Motion, [REDACTED] offered the following as "substantial change in circumstances affecting the welfare of the child[ren]:"

The above fact section documents numerous changes the children have endured since entry of the Decree, including withholding the child from [REDACTED]. In addition, the children's behavioral struggles, [REDACTED] negative actions, [REDACTED] refusals follow [REDACTED] physician's vaccination schedule, among other situations, demonstrate changed circumstances. Those circumstances affect the welfare of the children based upon the concerns raised herein.

Motion at p. 16.

1 In her Countermotion, ██████ offered the following as “substantial change in
2 circumstances affecting the welfare of the child[ren]:”

3 The changed circumstance is that, since stepping up to the two overnights,
4 ██████ has not adjusted in way [sic] that is consistent with her emotional
5 and developmental needs. NRS 125C.0035(4)(g). Dad’s arguments to
6 the contrary, Mom actively works to promote and foster Dad’s
7 relationship with ██████ and ██████ when he is not present and for child
8 exchanges. NRS 125C.0035(4)(d). Dad would have this Court believe
9 that is [sic] Mom’s words as opposed to Dad’s actions that influence ██████
10 responses to the respective parties. Indeed, it is Dad’s failure to follow the
11 right of first refusal that shows he is the parent who would deprive the
12 non-custodial parent of frequent associations. NRS 125C.0035(4)(d, h).
13 ██████ and ██████ have siblings in Dad’s home from Dad’s prior relationship,
14 and they will continue that relationship, but there is a large age gap, and
15 Mom is informed and believes that age gap, 11 and 9 years between ██████
16 and her brothers, and Dad’s disinterest in close supervision of the siblings
17 is partly what is creating issues that distress ██████.

18 Countermotion at p. 22-23 (emphasis in original).

19 Following the evidentiary hearing, ██████ argued that the trial record did not
20 support a finding of a “substantial change in circumstances affecting the welfare of the
21 child[ren].” Plaintiff’s Brief at p. 6. In contrast, ██████ argued as follows with respect
22 to a “substantial change in circumstances:”

23 Materially, as to this case, ██████ credibly testified that he did not
24 become aware that ██████ had been recording ZALG and subjecting her
25 to repeated leading and suggestive questioning with overtones of child
26 sexual abuse allegedly occurring in his home until shortly before he
27 entered into settlement negotiations and the settled decree was entered.
He testified he did not learn o f it until ██████ produced the video in
response to his motion to enforce and/or modify custody – filed as an
exhibit supporting her own post-judgment request for primary custody, a
request she has since withdrawn.

28 . . .

29 . . .

30 . . .

1 █████ testified that had he known, he never would have agreed to
2 the current custodial arrangement, which he had negotiated with █████,
3 in good faith. **Taken together, this late disclosure and the events that**
4 **followed constitute a substantial change in circumstances affecting**
5 **the children’s welfare and support modification awarding Dad**
6 **primary physical custody as being in ZALG’s and ZMG’s best**
7 **interests.**

8 Defendant’s Brief at p. 3 (emphasis in original).

9 As it relates to a modification of joint physical custody, the Court finds that
10 neither party’s offers constitute a “substantial change in circumstances affecting the
11 welfare of the children” — individually or collectively. █████ acknowledged as much
12 in Plaintiff’s Brief. With respect to █████ initiating Motion, the Court finds as follows
13 regarding the alleged substantial change in circumstances:

- 14 (1) The evidentiary record failed to demonstrate any pattern of █████
15 withholding the children from █████. At the earlier contempt hearing, a
16 single incident was the primary focus of attention that involved time that
17 █████ did not exercise due to miscommunication regarding his reserve duty
18 assignment. This was due, at least in part, because █████ failed to notify
19 █████ that he had been excused from his annual military training.
- 20 (2) The evidentiary record failed to demonstrate “the children’s behavioral
21 struggles.” If anything, the record established that the children are doing
22 well behaviorally. Child custody exchanges have improved since the
23 beginning of this process, and both children appear to be more at ease
24 with exchanges. Although █████ noted that, at three years of age, █████
25 sometimes is bothered by the custody changes, she attributed his attitude
26 to his propensity to not want to be disrupted at the moment. She added
27 that having exchanges take place at the same time as █████ exchanges has
28 eased the transition for █████.
- 29 (3) “█████ negative actions” do not constitute a substantial change in
30 circumstances. To conclude otherwise would make the “substantial
31 change in circumstances” standard illusory and promote custody
32 modification litigation in every case whenever one parent is unhappy with
33 the other parent.

34 ...

1 (4) The evidentiary record failed to demonstrate that [REDACTED] “refusing to
2 follow the child, [REDACTED], vaccination schedule,” is a “substantial change in
3 circumstances.” Preliminarily, disputes regarding the vaccination of a
4 child (which are not altogether uncommon in custody litigation) are
5 related more to legal custody than physical custody. There is very little,
6 if any, connection to a physical custody schedule. More significantly, the
7 evidentiary record suggests that both children are current in their
8 vaccinations/immunizations.¹¹

9 [REDACTED] arguments regarding a “substantial change in circumstances” in in
10 Defendant’s Brief are related to post-Motion discoveries and post-Motion conduct —
11 neither of which justify the filing of the Motion in the first instance. Although the
12 Court finds and concludes that, as a matter of fundamental due process, such post-
13 Motion justification should not satisfy the burden of establishing a substantial change
14 in circumstances, the Court recognizes that the sexual abuse allegations have become
15 a focal point of post-Motion proceedings (and stipulations). Indeed, the facts and
16 circumstances surrounding child sexual abuse have engendered an element of
17 understandable distrust that strikes at the core of the parties’ parenting relationship.
18 Although the Court finds that *the allegation* of sexual abuse is not a “substantial change
19 in circumstances,” additional findings are warranted in light of the significant impact
20 this has had on the parties’ parenting (which also resulted in unique medical care
21 provisions in the Order from October 4, 2023 Hearing (Oct. 17, 2023)).

22 Several months after [REDACTED] filed his initiating Motion, an investigation was
23 conducted by the Department of Family Services, Child Protective Services (“CPS”)
24

25 ¹¹Ironically, [REDACTED] and his prior wife did not vaccinate their children until [REDACTED]
26 “wanted the boys to be vaccinated” because she was caring for foster children. Court’s Exhibit
27 1 at p. 43. His prior wife stated: “I had to fight to get waivers . . . He took me to court with
that, and that was very traumatic experience.” *Id.* [REDACTED] testified that [REDACTED] previously signed
three religious exemptions for vaccinations for his older two children.

1 regarding allegations of sexual abuse of [REDACTED]. The investigation appears to have been
2 initiated after [REDACTED] made disclosures that were recorded by [REDACTED]. See Exhibits 14,
3 AA. The video appears to begin with [REDACTED] asking [REDACTED]: "You just call my daddy?"
4 [REDACTED] responds "no," and inquires "tell me what happened?" [REDACTED] made statements
5 about [REDACTED] touching her "[REDACTED]" "He wanted to touch my [REDACTED] all day long."
6 Struggling to express herself, she stated: "because he wanted to put hot toothpaste on
7 my [REDACTED]." [REDACTED] stated that she was hiding from [REDACTED] "and he touched my [REDACTED]
8 . . . and I don't know what to do to cool my body down." [REDACTED] later stated that she did
9 not know how she "got hot toothpaste" on her "[REDACTED]" and referenced getting hot
10 toothpaste from her "mom's house." Exhibits 14, AA.

11
12
13 CPS conducted an investigation and ultimately determined that the children were
14 safe in [REDACTED] care and closed the investigation as "unsubstantiated." With respect to
15 [REDACTED] forensic interview, the UNITY Case Notes included the following:

16 Mom helps her take a bath. She likes bath bombs that smell like cotton
17 candy. [REDACTED] was asked who helps her when she goes potty. She said that
18 [REDACTED] helps her. Then asked if she could go talk to mom for a second.
19 [REDACTED] was asked what does [REDACTED] do when he helps her go potty. She then
20 said mommy and was asked what mommy does when she helps her go
21 potty. Her mom helps her wipe her bottom and wash her hands. She
22 does not like to wash her hands. [REDACTED] denied that anyone touched her
23 bottom. Sometimes they smush her bottom with coconut bathroom soap
24 and makes her bottom feel good. [REDACTED] reported that [REDACTED] has touched
25 her "[REDACTED]". When asked what happened she did not remember but
26 mommy went ice skating. When asked where she was at when he touched
27 her "[REDACTED]" she changed to another topic. [W]hen asked what he used
she said bathroom soap and it did not feel very well. She then said that
[REDACTED] pinched her "[REDACTED]". He used scissors to cut her "[REDACTED]". Her
clothes were on. Nobody saw [REDACTED] or [REDACTED] do that to her "[REDACTED]".
[S]he then said that [REDACTED] touched her "[REDACTED]" and her body. He used
"chemicals". Put inside her pants and she said "shoo, shoo" and she ran
and cried for a long time and didn't go away. [REDACTED] put chemicals in it.
The chemicals were pink. They were soap chemicals. [REDACTED] denied that

1 [REDACTED] ever helps her take a bath and said that just daddy does. [REDACTED]
2 denied being scared of anyone at her mom or her dad's houses.

3 Court's Exhibit 2 (June 1, 2023 UNITY Case Notes) at CPS000017.

4 As part of the investigation, [REDACTED] and [REDACTED] were interviewed.¹² [REDACTED] stated
5 that "[h]e believes that the allegations were made by [REDACTED] about them pinching,
6 hitting, and shooting [REDACTED] in her genitalia with a nerf gun. He said that his dad has to
7 take pictures to show evidence to court that they are not harming [REDACTED]. He said that
8 [REDACTED] has eczema and gets rashes. He believes that [REDACTED] will do anything to get his
9 dad out of [REDACTED] (aka snuggles) life. He said that his dad has always been a good
10 parent to him." Court's Exhibit 2 (June 16, 2023 UNITY Case Notes) at CPS000031.

11 [REDACTED] "denied that he ever touched or bothered his sister [REDACTED] on her genitalia," and
12 "denied that he ever helps her in the bathroom." *Id.*

13
14 Ultimately, the investigation determined that "[t]here is not reasonable cause to
15 believe that sexual molestation occurred as a result of neglect by the father." Court's
16 Exhibit 2 (June 30, 2023 UNITY Case Notes). The case-concluding Nevada Initial
17 Assessment Report included the following:
18

19 *Minors [REDACTED] and [REDACTED] were not found to be in present or*
20 *impending danger during this investigation. The parents are meeting the basic*
21 *needs of the minors for food, clothing, and shelter. The alleged child victim [REDACTED]*
22 *[REDACTED] was forensically interviewed during this investigation due to the*
allegations in the report. [REDACTED] did make a disclosure of an incident of her

23 ¹²The June 6, 2023 UNITY CaseNotes provide: "[REDACTED] said that he wanted to be in the
24 room during the interviews as his son [REDACTED] has some mental health issues. He said that [REDACTED]
25 is being seen by a therapist for depression and anxiety. This Specialist discussed the policy in
26 regards to interviewing minors outside the presence of the parents. [REDACTED] continued to say that
27 he was requesting to be in the room for the interviews." Court's Exhibit 2 at CPS000020. On
June 16, 2023, the "Specialist advised him that a warrant authorizing for the minors to be
interviewed outside of his presence was obtained. He did give permission for the forensic
interviews." *Id.* The interviews ultimately were "completed . . . separately in the county car
parked in front of the father's residence."

1 *brother [REDACTED] touching her "[REDACTED]" and putting a chemical on it* She did not
2 *provide details of the incident and did not make any other disclosures.* She denied
3 being scared at her father's house. Forensic interviews were also completed
4 with [REDACTED] oldest two minors, [REDACTED] and [REDACTED], who did
5 not make any disclosures. This Specialist discussed the safety concerns in
6 regards to [REDACTED] disclosure with the father [REDACTED]. [REDACTED] reported
7 *understanding and agreed that he would not be leaving [REDACTED] unsupervised with her*
8 *brothers [REDACTED] and [REDACTED] for both [REDACTED] and [REDACTED] and [REDACTED] safety and afety and*
9 *protection.* Collaterals contacted during this investigation did not disclose
10 any safety concerns in regards to the minors in the care of their father.

11 * * * *

12 [REDACTED] is developmentally on target for her age. She has presented as
13 articulate and was able to answer some questions asked during her forensic
14 interview. She was able to say her name and age. She reported that her
15 favorite color is red, her favorite show is Coco Melon, and her favorite
16 movie is Frozen. She is potty trained and is able to go to the bathroom on
17 her own according to her parents. [REDACTED] denied being scared of anyone at
18 her mom or her dad's houses. [REDACTED] is considered vulnerable due to her
19 young age and reliance on others for her care and protection.

20 Nevada Initial Assessment Report at p. 2-3 (emphasis added).

21 At the evidentiary hearing, the Court received no direct testimony from any
22 witness affiliated with CPS, or anyone who was part of their investigation. The Court
23 did not receive sufficiently compelling testimony to ascertain what did or did not
24 happen to [REDACTED] relative to these allegations — nor was the Court tasked with making
25 such a finding. As quoted above, “[REDACTED] did make a disclosure of an incident of her

26 ¹³As part of her custody evaluation, Dr. Bergquist concluded:

27 The forensic interviewer’s summary of [REDACTED] reports demonstrated inconsistent,
confusing, and somewhat contradictory statements, which are developmentally
normal for a three-year old. . . . While an unsubstantiated finding by CPS is not
dispositive, and abuse can occur even if CPS is unable to find sufficient evidence.
Here, while the report is troubling, there does not seem to be a pattern or
practice of sexual abuse established in this case.

Child Custody Evaluation at p. 75. Dr. Bergquist similarly testified that she did not know
what actually happened. Although she did not believe that [REDACTED] “made something up,” she was
communicating in a way that adults did not understand. [REDACTED] statement created alarm and

1 brother [REDACTED] touching her 'XXXXX' and putting a chemical on it." [REDACTED] did not offer
2 any additional details and disclosed that she felt safe at [REDACTED]'s home. CPS further
3 reported that [REDACTED] understood "and agreed that he would not be leaving [REDACTED]
4 unsupervised with her brothers [REDACTED] and [REDACTED] for both [REDACTED] and [REDACTED] and [REDACTED]
5 safety and protection." Left only with a disclosure from a then three-year old child,
6 whether she was sexually molested was "unsubstantiated."¹⁴ As a result, CPS
7 determined that [REDACTED] was safe and closed the investigation. Although far from
8 concluding that nothing inappropriate took place, the fact that CPS ultimately
9 determined that [REDACTED] was safe in [REDACTED] care at least provides the Court with assurance
10 that [REDACTED] is a protective caretaker of the minor children.

13 In Defendant's Brief, [REDACTED] argues as a substantial change in circumstance that
14 "Mom has accused Dad of child abuse – including sexual abuse. She does not merely
15 say so, she involves proxies, and she subjects the children to multiple medical
16 evaluations." Defendant's Brief at p. 1. In the corresponding footnote, [REDACTED] references
17 medical records in which [REDACTED] reported "[REDACTED] pain immediately after time with
18 Dad" as her alleged use of a "proxy" for a sexual abuse allegation. The record does not
19 support a finding that [REDACTED] has accused [REDACTED] directly of sexually abusing their
20 daughter. Rather, the incident described by [REDACTED], which was the focal point of the CPS
21

22 generated the current co-parenting dynamic. Dr. Bergquist offered that, although children
23 might "distort realities," and some questioning can be overwhelming for a 3-year-old child, she
24 did not believe that a child would create the allegation. See September 4, 2025 Hearing Video
beginning at 2:30.

25 ¹⁴Dr. Bergquist interpreted the "unsubstantiated" conclusion as a finding that there was
26 insufficient evidence to support the allegation. "It's not conclusive about the fact whether or
27 not abuse actually happened. It means that they can't find data to support the allegation *per*
se." See September 4, 2025 Hearing Video beginning at 4:12. Moreover, the underlying
assumption in the CPS records was that [REDACTED] demonstrated protective capacity..

1 investigation, involved a half-sibling. Based on the testimony offered throughout the
2 evidentiary hearings, combined with CPS findings, the Court finds that [REDACTED] and [REDACTED]
3 are safe in [REDACTED] care.

4 The sometimes suggestive nature of [REDACTED] parental questioning has g has
5 compromised both parties' ability to view a child's discomfort or pain objectively. The
6 medical records suggest that [REDACTED] has been diagnosed with and treated for urinary tract
7 infections. Moreover, both parties have acknowledged that [REDACTED] and [REDACTED] have
8 experienced "legitimate skin issues." See Defendant's Brief at p. 10. It is a leap to then
9 conclude that [REDACTED] is using proxies to promote a sexual abuse narrative against [REDACTED]
10 because she sought treatment for a UTI. Although the Court has been critical of
11 [REDACTED] questioning of [REDACTED], [REDACTED] argument logically suggests that [REDACTED] should
12 never be allowed to seek treatment for a UTI after a custody exchange lest it raise
13 suspicion. Their mutual distrust is the genesis and perpetuation of this litigation,
14 leading to Dr. Bergquist to observe that [REDACTED] views [REDACTED] as a "catastrophizer"
15 (blowing-up situations), while [REDACTED] views [REDACTED] as a "minimizer" (dismissive or non-
16 responsive):¹⁵ [REDACTED] suspects potential inappropriate conduct as the cause of [REDACTED]
17 ailment or discomfort; while [REDACTED] suspects [REDACTED] is attempting to fabricate sexual
18 misconduct to alienate the children against him. Simply put, both parties have created
19 a scenario where [REDACTED] simply cannot suffer from any cut, scratch or bruise (let alone a
20
21
22
23
24

25 ¹⁵Dr. Bergquist testified that, although she did not view [REDACTED] as a "catastrophizer,"
26 she noted that [REDACTED] protective reaction could be disproportionate and that she had a
27 tendency "to go to the worst-case scenario." In contrast, [REDACTED] reaction was to become
defensive. Hefelt that he was "under attack" even when [REDACTED] concern was not an attack.
Rather than co-parent, the parties reacted "autonomously," which resulted in ineffective
communication and co-parenting.

1 UTI) without one party casting an accusatory eye at the other party. Toward the end
2 of her testimony, Dr. Bergquist concluded that “both these parents have had difficult
3 childhoods where they’ve experienced traumas separately. And I think it’s not unusual
4 for parents in their parenting to kind of go to the worst case scenario based on their own
5 lived experiences.” September 4, 2025 Hearing Video at 4:30. The solution to their
6 mutual distrust is not to modify custody (which has punitive overtones). Nor can such
7 distrust be remedied through a judicial proclamation or administration of a magical
8 gavel. Rather, it is up to both parties to recognize (and learn from) their respective roles
9 in perpetuating their mutual distrust.
10

11
12 At best, the changes in circumstances in the six months after the entry of the
13 Decree referenced by both parties in their initiating papers creates sufficient cause to
14 revisit the underlying joint physical custody schedule — *not joint physical custody itself*.
15 As much as the Court previously credited the parties with negotiating a highly detailed
16 (and gradual) custody schedule, the Court finds that the implementation and adherence
17 to the same is challenging for even the most cooperative co-parents. In retrospect, this
18 schedule has been met with challenges for the parties and magnified parental
19 dysfunction and mistrust. The Court does not find any continued benefit to a
20 disjointed schedule for [REDACTED] and [REDACTED]. Rather, the record supports a finding that [REDACTED]
21 benefits from following a scheduled shared by his sister, [REDACTED]. Both children should
22 follow a rotating 3/3 schedule.¹⁶
23
24

25 . . .

26
27 ¹⁶According to Defendant’s Brief, the parties “have been doing the ‘rolling 3/3’ aligning
all the siblings” since December 3, 2025. Defendant’s Brief at p. 4.

1 2. BEST INTERESTS

2 Preliminarily, the Court finds that both [REDACTED] and [REDACTED] are good and loving
3 parents. As noted previously, NRS 125C.0025 authorizes the Court to “direct that an
4 investigation be conducted,” which, by stipulation of the parties, was conducted by Dr.
5 Kathleen Bergquist. Her voluminous custody report encompassed 76 pages (*27 of which*
6 *were devoted to summarizing various documents and videos that she reviewed*). As part of her
7 analysis of the case, Dr. Bergquist succinctly summarized the parties’ co-parenting
8 relationship as follows:
9

10 The parents seem to have difficulty with separating their personal
11 relationship from their co-parenting relationship. One of their couples
12 therapists, Steven Kalas, noted, “they are divorced exactly the way that
13 they are married.” Mr. Kalas believes that [REDACTED] thinks that he is morally
14 superior to [REDACTED], while [REDACTED] reported that she believes she is the
15 better parent. There is a push/pull power struggle between them and they
16 seem to have divergently different perspectives of their conflict. Mr.
[REDACTED] has been reported to be rigid, somewhat emotionally constricted,
and black/white thinker. Conversely, [REDACTED] is reported to be reactive
and protective, if not over-protective.

17 Child Custody Evaluation at p. 62.

18 Even if the Court found that there had been a “substantial change in
19 circumstances,” the Court finds that maintaining joint physical custody is in the
20 children’s best interest with a modification to the joint physical custody schedule. The
21 investigation conducted by Dr. Kathleen Bergquist supports such a finding. Moreover,
22 neither party demonstrated through substantial evidence that the other party is
23 incapable of caring for the children for at least 146 days in a calendar year. *See* NRS
24 125C.003.
25

26 ...
27

1 With respect to the best interest factors of NRS 125C.0035, the Court finds as
2 follows;

- 3 (a) The wishes of the children if the children are of sufficient
4 age and capacity to form an intelligent preference as to his
5 or her physical custody.

6 At 6 and 3 years of age respectively, [REDACTED] and [REDACTED] are too young to form an
7 intelligent preference regarding custody.

- 8 (b) Any nomination of a guardian for the children by a parent.

9 Not applicable.

- 10 (c) Which parent is more likely to allow the children to have
11 frequent associations and a continuing relationship with the
12 noncustodial parent.

13 This factor does not favor either party. Although the Court has noticed
14 improvements in their communications and behaviors as parents during the past three
15 years, the Court does not trust either party as a gatekeeper. [REDACTED] at times has come
16 across as fixated on trying to establish deficiencies in [REDACTED] parenting (to the point of
17 uncomfortable questioning of a child),¹⁷ Dr. Bergquist noted that some messaging is
18

19 ¹⁷One example is a video recording from June 10, 2023, in which [REDACTED] arrives at
20 [REDACTED] home and asks to see [REDACTED]. Before [REDACTED] is brought to the door, [REDACTED] warns [REDACTED],
21 "I don't want anything done in front of her." [REDACTED] asked to give [REDACTED] a hug, to which [REDACTED]
22 responds: "High five. Don't do that please. Cause you know that you're just going to take
23 her. And I don't want to see it in front of her." [REDACTED] responded: "You do not know my
24 intentions . . . I want to be a father to my daughter." [REDACTED] then told [REDACTED] that he loves her
25 "so much," and she responded that she loves him too. After closing the door, [REDACTED] stated that
26 she wanted to hug her father. [REDACTED] then tells [REDACTED]: "Well listen. If you give daddy a hug
27 he's gonna want you to go with him and he's going to put you in his car. So, you can go with
him if you want to, but just know that when daddy gives you a hug you're gonna go with him
for two and a half days. Okay, so if that's what you want, you can give him a hug and go with
him. Is that what you want?" [REDACTED] responded: "I just want to give him a high five." Exhibits
CC, 18. This discussion with [REDACTED] was inappropriate and created unnecessary stress for the
child. Through this three year journey of litigation, the Court is hopeful that [REDACTED] has
learned of shortcomings that should be corrected, as well as more appropriate methods to deal
with co-parenting disputes.

1 concerning “and somewhat coercive in nature because it suggests that being at daddy’s
2 is unsafe.” Child Custody Evaluation at p. 68. In contrast, [REDACTED] has come across as
3 seeking to punish [REDACTED] through this litigation (to the point of seeking vindication of
4 [REDACTED] reporting what [REDACTED] had told her).

- 6 (d) The level of conflict between the parents; and (e) The ability
7 of the parents to cooperate to meet the needs of the
8 children.

8 During the past three years, the Court has witnessed the emotional and mental
9 toll of the parties’ parental dysfunction. However, in comparison to other parents that
10 routinely appear before the Court, the parental conflict in this matter is mild.
11 Moreover, amidst the turmoil of this litigation, the parties have shown signs in their
12 communications of an ability to cooperate. With respect to these two best interest
13 factors, both parties have completed the High Conflict Communications Course, the
14 UNLV Shielding Your Children from Conflict course and Triple P Positive Parenting
15 Program. As noted, despite intense mutual distrust of one another, the Court has
16 noticed improvement in their communication with each other. In other words, this
17 three year journey has, to a certain extent, been educational for the parties. For
18 example, notwithstanding their differences and sometimes contrasting parenting styles,
19 the parties have been able to cooperate with respect to school choice and some medical
20 issues. As part of the custody evaluation, [REDACTED] was able to offer positive observations
21 about [REDACTED]:

24 While he had some criticism of Ms. [REDACTED] parenting, on a positive note,
25 he endorsed that he believed Ms. [REDACTED] enjoyed being alone with their
26 child, that she was a good parent, is willing to make personal sacrifices for
27 the child, pays a great deal of attention to their child, and knows how to
handle children well. He did not believe that she had confidence in his

1 parenting skills. Overall, his endorsement suggested he had a negative
2 view of their coparenting relationship. On a positive note, he indicated
3 that when there is a problem with their child, they work out a solution
4 together, and they generally agree on what their child should be permitted
5 to do.

6 Child Custody Evaluation at p. 56.¹⁸

7 [REDACTED] similarly testified the [REDACTED] is very involved as a parent and “very good”
8 with school activities. According to him, she is “very organized” and “runs a good
9 household.” In contrast, [REDACTED] was less willing to “identify strengths in [REDACTED]
10 parenting” as part of the custody evaluation, which [REDACTED] echoed in his observation.

11 Child Custody Evaluation at p. 64. This creates concern about [REDACTED] capacity to
12 view [REDACTED] as an equal in terms of parenting (both consciously and subconsciously).

13 Nevertheless, the Court finds that the parties’ communications have evolved over time
14 and improved. Dr. Bergquist concluded:

15 While the parents have ongoing conflict and disagreements, there are no
16 concerns about violence. Furthermore, they are able to set aside animosity
17 in front of the children for the most part. For example, when [REDACTED] had
18 emotional outbursts at exchanges they worked together to calm her and
19 make the transition manageable. Poor communication coupled with lack
20 of confidence in each others’ intentions and abilities seems to be at the
21 heart of their conflict. The parents have reportedly completed a high
22 conflict parenting course, however it is not immediately apparent in their
23 interactions.

24 Child Custody Evaluation at p. 68.

25 ¹⁸In the videos that the Court was able to review, [REDACTED] remained calm even in the face
26 of being denied custodial time. These moments (even if infrequent) create acute conflict with
27 a child (figuratively and literally) “in -the-middle.” In those instances, [REDACTED] demonstrated
restraint from inflaming greater conflict. Nevertheless, the Court also recognizes that, *under*
the circumstances at that time (i.e., a pending CPS investigation), a simple assurance that [REDACTED] would
maintain supervision during his custodial time would have been a reasonable expectation.
Resistance in doing so (despite existing recommendations from CPS in this regard – *and his*
agreement to the same) reflects minimization of existing concerns and appears dismissive.

1 (f) The mental and physical health of the parents.

2 Both parties are mentally and physically capable of safely caring for the children.

3 “The parents do not allege any significant mental health concerns about each other.”

4 Child Custody Evaluation at p. 68. Dr. Bergquist reported as part of her interview of

5 [REDACTED] therapist (Nancy Caldwell, LCSW) that her therapist diagnosed [REDACTED] “with

6 adjustment disorder with anxiety and depression.” *Id.* pp. 34, 59. Dr. Bergquist

7 concluded that “[n]one of the severe clinical or personality scales were elevated for

8 either parent.”¹⁹ *Id.* at p. 68.

9
10 (g) The physical, developmental and emotional needs of the
11 children.

12 Based on the evidence admitted into the record, the children’s physical,

13 developmental and emotional needs are met by both parents. Neither child is lacking

14 physically or developmentally. Both children appear to be healthy and happy and are

15 meeting all developmental milestones. See Child Custody Evaluation at p. 69. [REDACTED] is

16 doing well in school (in her kindergarten year). [REDACTED] has been involved in a variety of

17 activities (which has caused co-parenting stress), including soccer, hockey, ballet,

18 gymnastics, jiu jitsu, and piano. Dr. Bergquist observed that [REDACTED] “has met

19 developmental milestones thus far. He appears to be attached to both of his parents,

20 and will turn to them for reassurance.” *Id.* at p. 32. Moreover, the Court finds that the

21 children’s emotional wellbeing has improved since the filing of the Motion.
22
23

24
25 ¹⁹Dr. Bergquist added: “Both parents are survivors of childhood abuse and/or neglect,
26 and seem to engage in some compensatory behaviors as a result. They both seek to control
27 their environment in their own way, which is likely to continue to be a theme for both of them,
and does not bode well for co-parenting. For example, [REDACTED] opined that [REDACTED] has to do
things her own way and [REDACTED] opines that [REDACTED] is controlling.” Child Custody Evaluation
at p. 68.

1 (h) The nature of the relationship of the children with each
2 parent.

3 Both children have established a loving bond with both parents. [REDACTED] testified
4 that his relationship is “close and loving.” He offered that his nickname for [REDACTED] is
5 “Snuggles” because she “is very much a snuggler.” Neither child exhibited a complete
6 rejection of one parent or exhibited extreme reactions to either parent – manifestations
7 of alienating behaviors. Rather, both children appear to be bonded with their parents.
8 At the beginning of this process, [REDACTED] struggled at times with transitions between the
9 parties’ homes. Nevertheless, Dr. Bergquist concluded that [REDACTED] “seems to be bonded
10 to both of her parents.”²⁰ Child Custody Evaluation at p. 33. At this time, there are
11 no issues of estrangement in their respective relationships that rise to the level of
12 alienating behaviors.
13

14 (i) The ability of the children to maintain a relationship with
15 any sibling.

16 The children have relationships with half-siblings in [REDACTED] home. The evidence
17 does not support the implementation of any changes to custody with respect to this
18 factor.
19

20 (j) Any history of parental abuse or neglect of the children or a
21 sibling of the children.

22 There is no evidence of abuse or neglect of the children by either parent. The
23 CPS investigation did not reveal any abuse or neglect by [REDACTED] of the children.
24

25 ²⁰Dr. Bergquist noted that [REDACTED] does not discern between his parents, and enjoys a
26 close relationship with both.” Although she reported that [REDACTED] experienced “separation anxiety
27 during exchanges when leaving her mom,” she did not find such issues during transitions to be
unusual under the circumstances. Moreover, the record supports a finding that, since the
initiation of these proceedings, issues during transitions (i.e., custody exchanges) have
diminished significantly.

1 Moreover, the report concluded that █████ demonstrated protective capacity. Dr. Dr.
2 Bergquist added in her testimony that CPS “would have done something to require dad
3 to protect the kids and/or not allowed the kids to be in dad’s home” if they felt the
4 children were in any danger in █████ home. September 4, 2025 Hearing Video at
5 2:19. Dr. Bergquist acknowledged that “gate-keeping is a function that all protective
6 parents should engage in. . . . It’s a function of protective parenting.” *Id.* at 2:29.
7 However, “the issue” is how “rigid the gate-keeping is.” She offered that █████ gate-
8 keeping became problematic to the extent it has impacted the parents’ ability to co-
9 parent (based on her “superior parent” perception) and a self-proclaimed need to
10 “guide” or “direct” the other parent. Nevertheless, Dr. Bergquist also acknowledged
11 that, “[t]o be fair, █████ made a statement that any parent would be concerned about
12 which would trigger a gate-keeping response in any parent.” *Id.* at 2:31.²¹ Following the
13 CPS investigation, Dr. Bergquist testified that █████ took proactive measures to make
14 sure the younger children were not left alone with the older children.
15

16
17 (k) Whether either parent or any other person seeking physical
18 custody has engaged in an act of domestic violence against
19 the children, a parent of the children or any other person
20 residing with the children.

21 This factor is not applicable.
22

23 ²¹Dr. Bergquist added: “I don’t know that I even think that children create allegations.
24 I think they may share something that is a distorted communication about reality.” September
25 4, 2025 Hearing Video at 2:32. When asked if the allegation made by █████ should be viewed
26 as unbelievable “to the normal person,” she responded: “That was a 3-year-old communicating
27 something. So, I don’t know what actually happened, but in my imagination there could have
been a lot of scenarios that a child who doesn’t have the vocabulary to describe what happened,
picked words that she thought had meaning.” *Id.* at 2:33. Later, Dr. Bergquist testified: “I
can’t know what actually happened, but based on my reviewing everything it didn’t feel to me
that █████ was making something up, but I think she may have communicating what was going
on in a way that the adults around her didn’t understand.” *Id.* at 3:14.

1 (l) Whether either parent or any other person seeking physical
2 custody has committed any act of abduction against the
3 children or any other child.

4 This factor is not applicable.

5 In conclusion, the parties stipulated to Dr. Kathleen Bergquist, LCSW, JD, PhD,
6 as the custody evaluator pursuant to NRS 125C.0025(2). Dr. Bergquist testified that
7 she did not interview the children, but observed their interactions with both parents.
8 ■■■■■ displayed an “easy connection” and bond with both parents. Although ■■■■■ has
9 exhibited anxiety at custody exchanges in the past, she appeared attached to both
10 parents. Dr. Bergquist observed that, at the children’s respective ages, exhibiting
11 difficulties with transitions from one home to another is not uncommon and oftentimes
12 is unrelated entirely with the parent, but more the transition aspect.²² Dr. Bergquist
13 offered the following recommendations in her Child Custody Evaluation (Court’s
14 Exhibit 1):
15

16 Both parents are requesting primary physical and joint legal custody. The
17 parents have notably different parenting approaches, but they also both
18 love ■■■■■ and ■■■■■ unquestionably. Mr. ■■■■■ identified strengths in
19 ■■■■■ parenting, while Ms. ■■■■■ had difficulty with identifying any
20 strengths in ■■■■■ parenting. The children need both parents, and it is
okay for the parents to have differing parenting styles absent abuse or neglect.

21 **It is recommended that the parents have joint legal and physical**
22 **custody. It is also recommended that the step-up custodial schedule**
23 **be accelerated.** Long periods of limited contact with Mr. ■■■■■ may
24 actually serve to impede bonding, and communicate that he is unsafe or
25 incapable of co-parenting. **It is therefore recommended that the Court**
26 **consider a custody schedule that includes shorter stays with each**
parent until ■■■■■ is school-aged (for example 2/3/2 alternating), then
transition to week on/off.

27 ²²Dr. Bergquist noted that “anxiety related to being separated from her primary
caregiver is developmentally normative.” Child Custody Evaluation at p. 67.

Other recommendations include:

- It is recommended that [REDACTED] see a play therapist to address her anxiety and help her with managing and expressing her feelings. It is further recommended that [REDACTED] therapy be shielded from litigation.
- It is recommended that both parents continue/start individual therapy so that they can separate their feelings towards each other from their co-parenting relationship, and address their own trauma histories.
- It is recommended that the parents not use corporal punishment, to include exercise as punishment.
- It is recommended that [REDACTED] not leave [REDACTED] with [REDACTED] and [REDACTED] unless his father is present to supervise to include when he picks up/drops off [REDACTED].
- It is recommended that both parents complete a Triple P Positive Parenting Program, preferably in-person so that they have shared knowledge and skills for healthy parenting. [REDACTED] training as a foster parent and completion of other parenting courses, and [REDACTED] completion of a Parent Education Class is acknowledged, but parents can never have too much evidence-based information about effective parenting.
- It is recommended that the parents consult with their pediatrician, rather than Google, for health-related matters; i.e. chlorinated pool water, quarantining, vaccination schedule. It is further recommended that if one of the parents cannot be at a doctor's visit, the attending parent request permission to video the doctor's recommendations so that they can both have the same information.
- It is recommended that videocalls be limited to once per day for no more than 15 minutes until the children are school-aged at a time that can be consistent; i.e. bedtime.
- It is recommended that the parents NOT record or take photos of the children and/or exchanges. The children should not be subjected to evidence gathering. However, if they wish to have recordings, they could install cameras in their homes that are less intrusive.²³

Child Custody Evaluation at pp. 75-76 (emphasis in original).

²³Dr. Bergquist was aware that [REDACTED] had installed cameras in his home, but did not observe where they were located. Although Dr. Bergquist opined that it was acceptable to have cameras in the parents' respective homes, she added that it would be inappropriate for such cameras to be installed in bedrooms or bathrooms (for privacy concerns).

1 In summary, the Court reiterates its statutory mandate to “ensure that minor
2 children have frequent associations and a continuing relationship with both parents,”
3 and to “encourage such parents to share in the rights and responsibilities of child rearing.”
4 The Court finds that it is in the children’s best interest that the parties maintain joint
5 physical custody. Nevertheless, the Court also finds that it is in the children’s best
6 interest to dispense with the remaining graduated schedule for [REDACTED]. Specifically, it is
7 in the children’s best interest that both children follow the rotating 3/3 schedule..

9 The parties previously stipulated to a “right of first refusal” as part of their
10 Decree. The Court finds that a “right of first refusal” inherently requires a degree of
11 flexibility and cooperation — parenting tools that are beyond judicial intervention. In-
12 tact families routinely invoke such a “right of first refusal” as parents navigate work and
13 busy schedules. This requires a heightened ability to cooperate and co-parent.
14 Although the Court has noted improvements in their communication, the maintenance
15 of a “right of first refusal” invites conflict without material benefit to the children’s well-
16 being. The Court finds that, at this time, the “right of first refusal” should no longer
17 be enforced as a court order. The parties nevertheless are encouraged to include the
18 underlying tenets of such a “right of first refusal” as part of their co-parenting paradigm.

21 Finally, the Court finds that, except as modified herein, the stipulated terms set
22 forth in the Order from October 4, 2023 Hearing (Oct. 17, 2023) (which adopted
23 several of the recommendations in Dr. Bergquist’s Child Custody Evaluation), should
24 remain in place.

26 . . .

27 . . .

1 3. LEGAL CUSTODY

2 In Defendant's Brief, ■ seeks a "tie-breaking" protocol for medical decisions
3 involving the children. The Court does not find that the evidence rebuts the
4 presumption in favor of joint legal custody and joint decision-making pursuant to NRS
5 125C.002. Nevertheless, both parties are placed on notice that, should a dispute arise
6 regarding future medical or health-related treatment, the Court likely will offer some
7 deference to the guidance provided by the children's medical and mental health
8 providers. Accordingly, any future health-related issue that the parties are unable to
9 resolve should be accompanied by documentation from the child's treating medical or
10 mental health provider.
11

12
13 B. COMMUNICATION

14 Dr. Bergquist found that the "twice daily video calls seem to be unnecessarily
15 disruptive . . . The parents may need to renegotiate the time of the calls, and once a day
16 for no more than 15 minutes would be more developmentally appropriate." Child
17 Custody Evaluation at p. 65. There is little in the record as to the benefit of daily
18 communication between the children and the other parent. As a general matter, such
19 communication frequently is of greater significance to a parent than to a child.
20 However, Dr. Bergquist testified that, depending on the age of the child, there are
21 benefits to the maintenance of communication during the other parent's custodial time
22 (with less beneficial impact the older the child). The Court finds, consistent with Dr.
23 Bergquist's findings, that such communication should be reduced. Specifically, the
24 Court finds that video calls should be limited to those days in which a parent has had
25 . . .
26
27

1 no custodial time with the child (i.e., on non-transition days), and should be limited to
2 no more than 15 minutes.

3 C. CHILD SUPPORT

4
5 With respect to child support, the controlling order in this matter is the
6 stipulated Decree entered in 2022. Pursuant thereto, [REDACTED] was ordered to pay monthly
7 child support of \$ 1,008, effective upon [REDACTED] birth. ²⁴ Pursuant to the stipulated
8 Decree, [REDACTED] average gross monthly income was referenced as \$ 10,857.46, and
9 [REDACTED] average gross monthly income was referenced as \$3,441. As such, his child
10 support was calculated to be \$1,054 for two children, with an offset for the cost of
11 health insurance coverage ([REDACTED] share being \$46.00 per month).

12
13 [REDACTED] sought a modification of child support in his Motion based upon a
14 modification of custody (and not a change in financial circumstances). As part of her
15 Countermotion, [REDACTED] waived any review of child support premised on her request to
16 modify custody. The Court finds that neither party presented a valid factual basis to
17 review child support based on a modification of custody. Nevertheless, three years have
18 since passed and child support has not been reviewed since the entry of the Decree.

19
20 NAC 425.170 provides, in pertinent part that, “[e]xcept as otherwise authorized
21 by law or this chapter, after a court has established a child support obligation, any
22 subsequent modification or adjustment of the child support obligation must be based
23 upon a change in circumstances.” NRS 125B.145 provides, in pertinent part, that an
24 order for child support “must, upon the filing of a request for review by . . . [a] parent
25

26
27 ²⁴The Decree also required [REDACTED] to pay an additional \$75 per week when [REDACTED] was out
of town for a period of seven days or more.

1 or legal guardian of the child be reviewed by the court at least every 3 years pursuant
2 to this section to determine whether the order should be modified or adjusted.”

3 Pursuant to NAC 425.115, if “the parties have joint physical custody of a child,
4 the child support obligation of each party must be determined. After each party’s
5 respective child support obligation is determined, the child support obligations must be
6 offset so that the party with the higher child support obligation pays the other party the
7 difference.” *See also* NAC 425.120 (monthly gross income of each obligor to be based
8 on “all financial or other information relevant to the earning capacity of the obligor”).
9 Finally, child support is calculated pursuant to the formula set forth in NAC 425.140.
10

11 Although the Court finds that [REDACTED] failed to establish such a “significant”
12 decrease in income,” the Court nevertheless finds and concludes that it is appropriate
13 to modify child support due to the passage of time. Based on the information provided
14 by both parties in their respective Financial Disclosure Forms (hereinafter referred to
15 as “FDF”), the Court makes the following findings:
16

- 17 (1) [REDACTED] FDF (Aug. 20, 2025) initially appeared to be incomplete. A
18 corrected version was filed that was more complete. [REDACTED] attached a
19 June 11, 2025 payroll statement that listed year-to-date income of \$5,175
20 as a substitute teacher, and an August 14, 2025 “Detail 1099 Earnings”
from American LLC that listed year-to-date earnings of \$39,146.84.
- 21 (2) [REDACTED] also attached an “Income Calculations” summary that included a
22 breakdown of her monthly income in support of her declared income of
23 \$4,365.74 per month. The summary offered average monthly gross
24 income of \$776.25 from substitute teaching, which takes into account
25 periods of time in which such assignments are not available (i.e., summer
26 break). The Court finds that the weekly average based on the May 31,
27 2025 year-to-date amount is \$246. The Court also finds that, excluding
winter break from school, there were 18 weeks (beginning with the week
of August 17, 2025) of potential teaching assignments. Based on these
calculations, the Court finds that [REDACTED] average gross monthly income
from substitute teaching was \$800.25.

1 (3) With respect to [REDACTED] income from real estate, the “Income
2 Calculations” summary offers a monthly average of \$3,589.49 after
3 deducting monthly business expenses of \$1,551. There is insufficient
4 evidence in the record for the Court to arrive at a different result.²⁵
Accordingly, the Court defines [REDACTED] average gross monthly income as
\$4,389.74.

5 (3) [REDACTED] income is more straightforward with respect to a child support
6 calculation. [REDACTED] attached three payroll statements to his FDF (Aug. 26,
7 2025). His August 28, 2025 Payslip reflects year-to-date income of
8 \$82,605.29. His August 28, 2025 Payslip was his 17th payment date for
2025. This results in an average of \$4,859 per paycheck, which results in
average monthly income of \$10,528.

9 Based on the foregoing calculations, [REDACTED] child support obligation for two
10 children is \$965.74, and [REDACTED] child support obligation for two children is \$1,791.68.
11 As a result, the Court finds that [REDACTED] monthly child support obligation should be
12 modified to \$826 per month. The Court finds that this modified amount should be
13 effective January 2026. In this regard, the conclusion of this process coincided with the
14 submission of the parties’ closing briefs (in January 2026). *See Ramacciotti v. Ramacciotti*.
15 106 Nev. 529, 795 P.2d 988 (1990).
16

17 D. CONTEMPT

18
19 The Order Re: Contempt (June 17, 2025) ordered [REDACTED] to appear at the
20 evidentiary hearing “and show cause why the Court should not issue findings and orders
21 regarding contempt for violating the Order from October 4, 2023 Hearing (Oct. 17,
22

23 ²⁵In Defendant’s Brief, [REDACTED] argues that the Court impute income comparable to the
24 amount of her monthly expenses, or alternatively require [REDACTED] to be to produce certain
25 information at the time of trial. Preliminarily, the admission of evidence closed at the
26 conclusion of the evidentiary hearing. Moreover, the parties have had three years to gather
27 evidence regarding each party’s income. Finally, appellate decisions have been critical of a
district court relying on expenses as a barometer of how the court should calculate income. *See*
e.g., Kogod v. Cioffi-Kogod, 135 Nev. 64, 439 P.3d 397 (2019). Consistent with the reasoning
of *Kogod*, the Court concludes that income should be calculated based on the evidence of income
admitted into the record.

1 2023), by failing to request permission to video the doctor's recommendations on
2 August 28, 2024." In relevant part, the Order from October 4, 2023 Hearing (Oct. 17,
3 2023) provides as follows:

4 The Parents shall consult with their pediatrician, rather than Google, for
5 health-related matters. If one of the parents cannot attend *an appointment*,
6 then the attending parent shall request permission to video *the doctor's*
7 *recommendation* so that the parent's can have the same information in real
time.

8 Order from October 4, 2023 Hearing (Oct. 17, 2023) at p. 3 (emphasis added).

9 Preliminarily, the record reflects that [REDACTED] took [REDACTED] to [REDACTED] in view
10 Hospital for an emergency room²⁶ visit on August 28, 2024 after [REDACTED] complained of
11 [REDACTED] pain.²⁷ As such, this was not a scheduled appointment. The records from the
12 visit include the following relevant information:

14 Patient had similar symptoms last November, UJA was normal. Mom
15 reports there was a CPS investigation opened 2 years ago but she is not
16 concerned at this time for any sexual assault or abuse. States patient has
been acting normal and happy and has not reported any injury or
inappropriate touching no fevers, vomiting, abdominal pain.

17 * * * *

18 Mild erythema to medial labia, patient reports pain when swab is applied
19 to enteritis for wet prep. No purulence discharge, no traumatic injury.

20 * * * *

22 ²⁶Exhibit GGGG includes an "Emergency Provider Report" at Skye Canyon. See
23 DEF002249. [REDACTED] described the location as a "neighborhood clinic," with a security guard
24 always present.

25 ²⁷In c ross examination, [REDACTED] acknowledged that he similarly took [REDACTED] to the
26 emergency ro om to address reported [REDACTED] pain in November 2 023. He did n ot recall
advising [REDACTED] of the visit. He testified that a urinalysis and urine culture was obtained, but
27 was uncertain as to how. Although he believed that he notified [REDACTED] of the test (perhaps by
text message), he did not record the visit or place [REDACTED] on a "zoom" call to enable [REDACTED]
to view the same.

1 Patient is a 4-year-old female presents with genital pain and dysuria.
2 Considered yeast infection, [REDACTED], UTI. Less likely sexual assault/and
3 a P. patient appears appropriate and happy and denies any injury to
4 region. No fever or vomiting or abdominal pain. I advised UA and wet
5 prep and good hygiene. If workup normal, advised close follow-up with
primary care. Patient's mom in agreement with plan. . . . I discussed
workup and results with patient's mom.

6 Exhibit GGGG at DEF002249, 2251, and 2252. With respect to the existence of blood
7 in urine, the lab results reflected "TRACE." *See id.* at DEF002251.

8 [REDACTED] previously offered that [REDACTED] arrived at the doctor's office approximately
9 ten minutes after her arrival – thus obviating the need to record the doctor's
10 recommendations from that point forward. [REDACTED] expressed concern about the nature
11 of the testing that was performed. However, the records do not reflect that such testing
12 was performed at the direction of either parent or in consultation with either parent.
13 Moreover, such a decision is not the subject to the pending order to show cause.

15 Pursuant to the Order Re: Contempt (Jun. 17, 2025), the Court necessarily must
16 determine whether: (1) an emergency room visit is "clearly and unambiguously" an
17 "appointment" pursuant to the Order from October 4, 2023 Hearing (Oct. 17, 2023);
18 and (2) Plaintiff failed to request permission to "video the doctor's recommendation"
19 in compliance with the order.

21 The visit to the emergency room followed the video previously discussed from the
22 same day. See Exhibits 86, IIII, GGGG. As noted, [REDACTED] repeated questions of [REDACTED]
23 exhibited during this video raised concerns. Nevertheless, the medical records support
24 [REDACTED] need for medical attention at the time (including the fact that trace amounts of
25 blood were found in her urine). [REDACTED] testified that [REDACTED] had called the facility ahead
26 of his arrival and the staff at the facility triaged [REDACTED] in the lobby. They were placed
27

1 in a room and she was aware that [REDACTED] was en route. [REDACTED] testified that she was
2 notified of the testing administered to [REDACTED], but that permission from [REDACTED] was not
3 requested. After [REDACTED] arrived, he spoke with the emergency room doctor. [REDACTED]
4 estimated that the entire visit lasted thirty to forty minutes. At the conclusion when
5 discharge instructions were given, both [REDACTED] and [REDACTED] appeared to have ~~have~~ been
6 present.
7

8 Based on the testimony provided, the Court finds that [REDACTED] has demonstrated
9 adequate cause as it relates to findings of contempt. Prior to the time of final discharge,
10 [REDACTED] had arrived and was present to receive instructions at that time. Moreover, the
11 Order provides insufficient clarity as to its applicability to emergency room visits given
12 the express reference to “appointments” – suggesting that it applies to pre-scheduled
13 doctor’s visits. Thus, the Court finds that the language of the order should be clarified
14 to include emergency room visits, which appears to be the parties’ intention.
15

16 IV. ATTORNEY’S FEES

17
18 In support of his request for fees, [REDACTED] cites NRS 22.100(3) (as to his request
19 for findings and orders of contempt), NRS125C.250, and NRS 18.010(2)(b) (as
20 punishment “to deter frivolous or vexations claims/defenses” and because “[REDACTED]
21 multiplied these proceedings with positions that were not anchored to credible
22 evidence”). Defendant’s Brief at pp. 17-18. As set forth in the findings above, the
23 Court did not make findings or orders regarding contempt. In contrast, [REDACTED] seeks
24 fees and costs because “[REDACTED] claims weremaintained. . . without reasonable grounds.”
25 Plaintiff’s Brief at p. 18.
26

27 . . .

1 Both parties argue that the other party was unreasonable or maintained
2 unreasonable positions – *which the Court finds remarkable under the circumstances*. Neither
3 party takes accountability for the circumstances that gave rise to this entire three-year
4 endeavor. Of the two parties, [REDACTED] offered a willingness to resolve the issues prior to
5 the onset of the evidentiary hearings. The Court notes that the parties previously
6 stipulated to participate in mediation with Senior Judge Elliott; however, [REDACTED] reneged.
7 [REDACTED] abandoned her request to modify custody, arguing in favor of the parties
8 maintaining joint physical custody. In contrast, [REDACTED] maintained his request for
9 primary physical custody despite prior arguments (through his prior counsel) to the
10 contrary, the Child Custody Evaluation, and the Court’s prior intimations about
11 maintaining joint physical custody. Thus, the notion that it was [REDACTED] who
12 “multiplied” these proceedings or behaved vexatiously is misplaced. Nevertheless, the
13 Court does not find a sufficient legal or factual basis to award attorney’s fees to either
14 party at this time. Each party should bear their own attorney’s fees and costs.

15
16
17 Based on the foregoing findings of fact, conclusions of law, and good cause
18 appearing therefor,

19
20 It is hereby ORDERED that Defendant’s Motion and Plaintiff’s Countermotion
21 are DENIED in part. In this regard, it is further ORDERED that the parties continue
22 to maintain joint legal and joint physical custody of the minor children. It is further
23 ORDERED that the joint physical custody schedule is MODIFIED whereby both
24 children shall follow the same custody schedule. Specifically, it is further ORDERED
25 that Defendant’s custodial time is defined as the first 72 hours following the end of
26 Defendant’s routine shift at NLVFD commencing at 9 a.m. and continuing to 9 a.m.
27

1 on the fourth day following the end of his NLVFD shift; e.g., Defendant's shift ends
2 Monday morning, Defendant shall have the child from Monday at 9 a.m. to Thursday
3 when school commences or at 9 a.m. if there is no school.

4 It is further ORDERED that the "right of first refusal" set forth in the Decree is
5 eliminated as an order of the court enforceable through contempt.
6

7 It is further ORDERED that:

8 a. [REDACTED] shall continue to be enrolled in play therapy with Dr.
9 Michele Gravely to address anxiety and assist the child with managing and
10 expressing her feelings; the child's therapy shall be shielded from
litigation.

11 b. The Parents shall continue their own individual therapy with
12 therapists of their own choosing so that they can separate their feelings
towards each other from their co-parenting relationship and address their
own trauma histories.

13 c. The Parents shall not use corporal punishment upon the
14 minor children and neither shall use exercise as punishment.

15 d. Defendant shall not leave minor alone with his older children
16 unless Grandfather is present to supervise.

17 e. The Parents shall consult with their pediatrician, rather than
18 Google, for health-related matters. If one of the parents cannot attend an
19 appointment or an emergency room visit, then the attending parent shall
20 request permission to video the doctor's recommendation so that the
21 parent's can have the same information in real time.

22 f. Video calls shall be limited to once per day for no more than
23 15 minutes, and only on a day in which the parent does not have
24 custodial time with the child. The calls shall be at a time when they can
be consistent, which the parties agree is 7:30 p.m. If the non-custodial
parent is not available for the video call due to work or other unforeseen
emergency, then they shall notify the custodial parent of their
unavailability as soon as possible and they shall be afforded a make-up call
as soon as practical, either earlier that day or the next morning if a later
call would interfere with bedtime. Each party shall ensure that *both* their
WiFi and cellular services are enabled for FaceTime calls to ensure they
are connected.

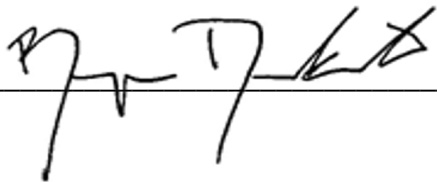
25 g. The Parents shall NOT record or take photos of the children
26 and/or child exchanges. However, if they wish to have recordings, then
27 they may install cameras in their homes or cars that are less intrusive than
a phone. The Parents shall not maintain cameras and/or recording devices
in the children's bedrooms or bathrooms. (Cameras in hallways outside

1 of bedrooms/bathrooms are appropriate.) Nothing within this provision
2 shall be construed to prohibit either party from taking family videos or
3 photos.

4 It is hereby ORDERED that, effective January 2026, Defendant's child support
5 obligation payable to Plaintiff is modified to \$826 per month,

6 It is further ORDERED that, except as otherwise specified herein, all other relief
7 requested by either party is DENIED.

8 **Dated this 18th day of March, 2026**

9
10 
11

12
13 **E3F 7F9 B0D8 854B**
14 **Bryce C. Duckworth**
15 **District Court Judge**
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