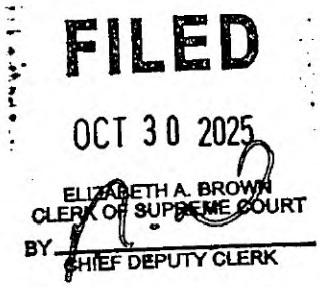
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAILA LIKUA,
Appellant,
vs.
PAULINO GOMEZ,
Respondent.

No. 90164-COA



ORDER OF AFFIRMANCE

Maila Likua appeals from a district court order and final custody decree granting a motion to modify child custody and relocation. Eighth Judicial District Court, Clark County; Regina M. McConnell.

Likua and respondent Paulino Gomez were married in 2016 and are the natural parents of one child, PJ, born in December 2018. The family resided together in Mesquite, Nevada, until Likua and Gomez separated in February 2022. Gomez filed for divorce shortly thereafter, and a three-year-long custody battle has ensued.

At the outset of the proceedings, the district court bifurcated the financial and custody issues. In June 2022, the district court issued an order by stipulation, maintaining temporary joint legal and physical custody of PJ on an alternating three-week schedule until the conclusion of the custody trial, set for June 2023.

The custody trial concluded in July 2023, and the initial custody order was issued in September 2023—awarding the parties joint legal custody but granting Likua primary physical custody and permission to permanently relocate PJ to Molokai, Hawaii, subject to Gomez retaining substantial parenting time. Shortly thereafter, in October 2023, Gomez

filed a timely motion requesting reconsideration or, separately, amendment of judgment under NRCP 59. Those requests were denied in December 2023, and in January 2024, Gomez filed his notice of appeal of the initial custody order.

In May 2024, Gomez filed a motion before the district court to modify physical custody and for an indicative ruling under NRCP 62.1, *see also Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), requesting that the district court take back its jurisdiction to resolve Gomez's request to modify child custody. To support his request for an indicative ruling, Gomez claimed that Likua had removed PJ from preschool and left Hawaii without his knowledge or consent, alleging that she had abducted PJ and concealed his whereabouts from April to mid-May of 2024.

Given the serious nature of Gomez's allegations, the district court granted the indicative motion in June 2024. As approved by the supreme court in July 2024, the district court took back jurisdiction over both the custodial modification and relocation requests on limited remand.[1] New evidentiary proceedings were ordered, and the second custody hearing was held in November 2024.

Following the evidentiary proceedings in the second custody hearing, the district court made an oral pronouncement of its decision in December 2024, along with a short-form written order awarding primary physical custody of PJ to Gomez—subject to substantial parenting time retained by Likua—and permitting PJ's relocation to Nevada. Likua moved to stay the modified custody order and regain access to community funds for purpose of paying attorney fees to allow her to retain counsel in pursuit

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[1]*Gomez v. Likua*, Docket No. 87876 (Order of Limited Remand, July 8, 2024).

of the instant appeal. The district court denied the motion to stay, but the issue of attorney fees was deferred to its forthcoming dispositive order on financial issues.[2]

A detailed version of the modified custody order was issued in January 2025, stating the district court's findings of fact, conclusions of law, and final custody decree. Therein, the court first determined that a substantial change in circumstances affecting PJ's welfare had occurred after entry of its initial custody order in September 2023.

Specifically, the district court found by documentary evidence and testimony a drop in PJ's preschool attendance without Gomez's knowledge, metrics indicating PJ's poor academic proficiency compared to his peers, as well as ongoing behavioral and focus-related problems, as shown in progress reports drafted by his preschool instructors. The court also reviewed hundreds of text message communications between the parties, finding a breakdown in transparent communication between Gomez and Likua in the months that followed the initial custody order. The court determined that Likua neglected to discuss or obtain Gomez's consent as to her travel to Arizona and Nevada with PJ from April until mid-May of 2024. The district court also found that Likua failed to inform Gomez that she would be staying close to Mesquite, Nevada, during the financial trial,

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[2]On December 19, 2024, the final divorce decree was issued, ending the community and expressly denying all outstanding requests for attorney fees by the parties. However, the district court noted that it would provide the parties with an opportunity to file additional, post-judgment motions for attorney fees under NRCP 54. The final (modified) custody order, issued in January 2025, provided similar language—affording additional NRCP 54 briefing on attorney fees as it related to post-decree custody litigation.

and parenting time for Gomez might have been arranged, and that PJ would be missing significant in-person preschool instruction during that time.

Next, the district court addressed the twelve best interest factors under NRS 125C.0035(4)—finding that three of those factors either *slightly favored* or *favored* modification, while the remaining nine factors were either inapplicable or weighed neutrally. Balancing those factors, the district court determined that PJ's best interest would be served by custodial modification.

The district court then proceeded with its relocation analysis under NRS 125C.007. The court provided specific findings under all three threshold provisions in NRS 125C.007(1)(a)-(c), finding Gomez had demonstrated each requirement by a preponderance of the evidence. Beyond the threshold analysis, the district court applied each of the six relocation factors from NRS 125C.007(2), finding five factors *favored* relocation and one factor *disfavored* relocation.

Given these favorable findings on the consecutive modification and relocation analyses, the district court granted Gomez's motion to modify custody and permitted PJ's relocation to Nevada. Upon entry of the custodial modification order, Gomez's appeal of the initial custody order was rendered moot and subsequently dismissed by the supreme court.[3] Pursuant to the modified custody order, PJ returned to Nevada in January 2025. This appeal followed.[4]

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[3]*Gomez v. Likua*, Docket No. 87876 (Order Dismissing Appeal, December 13, 2024).

[4]On February 21, 2025, Likua filed her notice of appeal. She subsequently moved to stay the district court's custodial modification order, but that request was denied by the supreme court because Likua failed to demonstrate that PJ would be subjected to needless hardship in the absence

Likua's due process arguments

Likua first contends that the district court placed *heightened duties* and *unspecified burdens* upon her as the parent with primary physical custody, thereby violating her fundamental due process rights. Relying on three excerpts from the custodial modification order, Likua suggests these extra burdens were prejudicial to her success in the underlying proceedings. Gomez responds by alleging that Likua offers no facts or law to demonstrate that the district court abused its discretion, or that she was prohibited from presenting evidence, responding to briefed arguments, or otherwise addressing the legal and factual controversies related to the custodial modification issue. We agree with Gomez.

Due process protects against government interference with certain substantial rights and fundamental liberty interests, "including the interest parents have in the custody of their children." *Gordon v. Geiger*, 133 Nev. 542, 545-46, 402 P.3d 671, 674 (2017). The guarantee of due process "demands notice before such a right is affected." *Id.* at 546, 402 P.3d at 674 (citing *Wiese v. Granata*, 110 Nev. 1410, 1412, 887 P.2d 744, 745 (1994)). Thus, when a party is "threatened with loss of parental rights" they must be provided with an "opportunity to disprove evidence presented." *Id.* (quoting *Wallace v. Wallace,* 112 Nev. 1015, 1020, 922 P.2d 541, 544 (1996)).

Here, Likua's argument is unpersuasive both under principles of procedural and substantive due process. In advance of the second custody hearing, the parties fully briefed and argued the legal and factual disputes

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of a stay. *See Likua v. Gomez*, Docket No. 90164 (Order Denying Stay and Granting Motions for Extensions of Time, May 12, 2025). The supreme court transferred this matter to the court of appeals on August 15, 2025.

before the district court. During the subsequent proceedings, documentary evidence was presented, testimony was given subject to the examination and cross-examination, and each party provided closing arguments. The district court reviewed the evidence, made credibility determinations as to the testimony heard, and evaluated the legal arguments presented by each party before making its factual findings.

Gomez sought to modify the initial custody order that favored Likua. In pursuit of the custodial modification, Gomez held the evidentiary burden—not Likua. Nor was the burden shifted to Likua at any stage of the district court's analysis. Further, Likua was given the opportunity to challenge evidence presented by advancing her own evidence and arguments in response to Gomez's claims. *Cf. Wiese*, 110 Nev. at 1413, 887 P.2d at 746 (holding that a party threatened with loss of parental rights must be given an opportunity to disprove evidence presented, and the hearing did not provide such opportunity where the other party presented no evidence); *see also Moser v. Moser*, 108 Nev. 572, 576-77, 836 P.2d 63, 66 (1992) (confirming that a parent holds the right to a full and fair hearing and that preconditions to a change of custody award must be supported by factual evidence).

Further, Likua points to three excerpts of the district court's factual findings to support her claim that the district court improperly imposed heightened duties or unspecified burdens upon her. However, these excepts do not support her position. Each excerpt merely referenced the duties owed by a primary custodian with joint legal custody (Likua) to a noncustodial coparent with joint legal custody (Gomez). The first excerpt reflects the district court's finding that Likua had an obligation to keep Gomez informed of her extended travel with PJ to Arizona and Nevada in

the spring of 2024, and to potentially offer Gomez additional parenting time while traveling on the mainland. Indeed, as a coparent who maintains joint legal custody, Gomez generally had a right to know where PJ resides, "even when the child is in the other parent's physical custody." *Falconi v. Sec'y of State*, 129 Nev. 260, 272, 299 P.3d 378, 386-87 (2013). This equitable principle evokes the same cooperative and communicative expectations between parents with joint legal custody—requiring "that the parents be able to cooperate, communicate, and compromise to act in the best interest of the child." *Rivero v. Rivero*, 125 Nev. 410, 420-21, 216 P.3d 213, 221 (2009), *overruled in part on other grounds by Romano v. Romano*, 138 Nev. 1, 501 P.3d 980 (2022).

Nor do the second and third excerpts suggest that the district court improperly held Likua to heightened duties or unspecified burdens. Therein, the court merely noted that Likua failed to comply with express provisions of the initial custody order. That failure to comply was reflective of the district court's specific findings of Likua's habitual interference with both Gomez's in-person and remote parenting time. Likua cites no authority that prohibits the district court from evaluating her behavior in conformance with the express provisions set forth in the initial custody order—such as the provision that Gomez was owed, at a minimum, three remote calls with PJ on FaceTime at the prescribed time.

Notably, Likua was placed on notice of her custodial obligations and expectations upon entry of the initial custody order in September 2023. And to the extent that the duties associated with her custodial status were not precisely spelled out in that order, she remained bound by the cooperative and communicative principles of Nevada family law. *See Rivero*, 125 Nev. at 421, 216 P.3d at 221. We therefore conclude that the

district court did not violate Likua's due process rights or improperly place heightened duties or unspecified burdens upon her in conducting its custodial modification or relocation analyses.

Gomez's motion for custodial modification

As the central challenge presented on appeal, Likua alleges that the district court abused its discretion in its analysis of both changed circumstances and PJ's best interest when granting Gomez's motion to modify custody. Gomez argues that the district court properly exercised its discretion. We agree with Gomez.

This court reviews district court decisions concerning child custody for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). In reviewing child custody determinations, this court will affirm the district court's factual findings if they are supported by substantial evidence, "which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Id.* at 149, 161 P.3d at 242. When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1); *Davis v. Ewalefo*, 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015).

To that end, a district court may "make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest." NRS 125C.0045(1)(a). Further, we presume the district court properly exercised its discretion in determining the child's best interest. *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004). To establish that a custodial modification is appropriate, the moving party must show that "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the child's best interest is served by the modification." *Romano*, 138 Nev. at 5, 501 P.3d at

983 (internal quotation marks omitted), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 404-05, 535 P.3d 1167, 1171 (2023). The party requesting modification bears the burden to satisfy both prongs. *Ellis*, 123 Nev. at 150-51, 161 P.3d at 242-43.

Here, the district court's findings under both prongs are well-grounded in substantial evidence, reflecting its concern over the events that followed the initial custody order in September 2023. In its oral pronouncement in December 2024,[5] the district court explained that it had previously awarded Likua primary physical custody because the alternating three-week joint custody schedule was not conducive to PJ's academic success or stability. At the second custody hearing, however, it became clear to the district court that a substantial change in circumstances occurred because PJ's academic life had deteriorated in the months that followed September 2023—including a dramatic slide in his preschool attendance rate, poor academic proficiency compared to his peers, and persistent behavioral and focus-related problems as documented by his preschool instructors. This was substantial evidence of a downward participation rate in PJ's academic environment that further supported the court's findings under the changed circumstances prong. *Cf. Ellis*, 123 Nev. at 152, 161 P.3d at 244 (holding that the district court did not abuse its discretion finding a "4-month slide in academic performance constituted a substantial change in circumstances").

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[5]Although a district court's oral pronouncements are generally ineffective for any purpose as a substantive matter, *see Nalder v. Eighth Jud. Dist. Ct.*, 136 Nev. 200, 208, 462 P.3d 677, 685 (2020), they can nevertheless assist this court in construing a vague or ambiguous order when they are consistent with the disposition, *see Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. 886, 895, 266 P.3d 602, 608 (2011).

Beyond PJ's academic and behavioral issues, the district court also found that Likua was responsible for several instances of poor coparenting that risked negatively impacting the father-son relationship between Gomez and PJ—such as her lack of transparency as to where PJ was physically located for long stretches of time, her habitual interference with Gomez's parenting time, and her neglect in offering Gomez other parenting time when geographically convenient. Specifically, the court found that Likua did not inform Gomez that she was traveling with PJ to Nevada and Arizona in the spring of 2024. Further, Likua interrupted Gomez's in-person parenting time with PJ—including on Father's Day 2024. Likua also interfered with Gomez's remote parenting time when she demanded that Gomez conform to her preferred times that were inconsistent with the initial custody order. *See Martin v. Martin*, 120 Nev. 342, 346, 90 P.3d 981, 983 (2004) (holding that a custodial parent's substantial or pervasive interference with a noncustodial parent's parenting time constitutes a substantial change in circumstance), *abrogated on other grounds by Ellis*, 123 Nev. 145, 161 P.3d 239. Based on our review of the record, we conclude that substantial evidence supports the district court findings of fact and its conclusion that there was a substantial change in circumstances affecting PJ's welfare.

Likua next challenges the district court's specific findings under the best interest factors for its custodial modification analysis. *See* NRS 125C.0035(4). Referencing the court's factual findings from the initial custody order issued in September 2023, Likua argues that the court should have revisited each of those findings to explain how the status quo of PJ's best interest had since shifted. Gomez construes Likua's arguments under the best interest factors to operate as a list of preferred factual findings and

contends that those findings are now stale. Gomez submits that substantial evidence presented at the second custody hearing appropriately supports the district court's findings under the best interest factors.

While there is no question that the district court must consider all *relevant* best interest factors in its custodial modification analysis, Likua presents no law that would *require* the district court to revisit each and every factor from a prior modification order and explain why each has altered the status quo as to PJ's best interest. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider an appellant's argument that is not cogently argued or lacks the support of relevant authority). In fact, the only analog suggests otherwise, providing that district courts *may* review the facts and evidence from its prior rulings. *Nance v. Ferraro*, 134 Nev. 152, 159, 418 P.3d 679, 685 (Ct. App. 2018) (noting that "it may at times be necessary for the district court to review the evidence that underpinned its previous rulings to determine whether modification of the existing arrangement is warranted").

And, in any event, the district court made specific factual findings under each of the twelve best interest factors. *See* NRS 125C.0035(4); *see also Soldo-Allesio v. Ferguson*, 141 Nev., Adv. Op. 9, 565 P.3d 842, 848-49 (Ct. App. 2025) (emphasizing that district courts must make specific findings on each of the best interest factors to avoid abuse of discretion). The court determined that three of the twelve factors *slightly favored* or *favored* custodial modification. Of the remaining nine factors,

the court found that two were neutral and seven were inapplicable.[6] Most notably, subparts (4)(c), (e), and (g), supported the custodial modification order.

First, in finding that factor (4)(c) *slightly favored* Gomez's request for modification, the district court determined that Gomez was more likely to facilitate PJ's frequent associations with family and a continued relationship with Likua. The court reviewed hundreds of text messages that were reflective of Likua's habitual interference with Gomez's scheduled parenting time—increasing the conflict between the parents that was detrimental to successfully coparenting PJ. Likua's nonadherence to the initial custody order was also placed in stark contrast with Gomez's strict adherence to its language.

Second, finding that factor (4)(e) *favored* modification, the district court determined that Gomez was the parent most likely to encourage parental cooperation. Discussed at length in the modified order and in the adjoining oral pronouncement, Likua's habitual noncooperation, overcommunication of unessential information, and lack of communication of important information was, again, placed in contrast with Gomez's strict adherence to the language of the initial custody order.

Third, finding factor (4)(g) *favored* modification, the district court determined Gomez was best suited to address and support PJ's

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[6]Likua contends that the district court neglected to consider PJ's sibling in its best interest analysis under factor (4)(i). But the brief submitted in opposition to the custodial modification that was before the district court reflects no argument on the impact of a prospective relationship between PJ and his unborn half-sibling. As Likua failed to bring this issue below, there is no need for the appellate court to address it. *See Durango Fire Prot. v. Troncoso,* 120 Nev. 658, 661, 98 P.3d 691, 693 (2004).

physical, developmental, and emotional needs. Substantial evidence supported the court's specific findings that PJ had been experiencing academic, behavioral, and focus-related issues at school and was evaluated at a low academic proficiency while under Likua's care. Likua was also found to be unhelpful in resolving these issues and even misrepresented them to Gomez in veiled communications. These findings further supported the court's conclusion that PJ's needs were not being adequately attended to by Likua during his time in Hawaii, and that Gomez would be better suited to address those needs.

These findings, among others, were included in the district court's final order or were otherwise incorporated by reference to its oral pronouncement, and we do not reweigh evidence in support of those findings on appeal. *See Yamaha Motor Co., U.S.A. v. Arnoult*, 114 Nev. 233, 238, 955 P.2d 661, 664 (1998) (noting that appellate courts are "not at liberty to weigh the evidence anew, and where conflicting evidence exists, all favorable inferences must be drawn towards the prevailing party"). Importantly, the standard of review here is deferential. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242.

Accordingly, on review of each of the findings set forth in the modified custody order, the district court grounded its conclusions in substantial evidence—determining that Gomez demonstrated sufficient evidence that a substantial change in circumstances affecting PJ's welfare had occurred and that custodial modification was in PJ's best interest. Thus, we conclude that the district court did not abuse its discretion in granting Gomez's motion to modify physical custody.

Gomez's request to relocate PJ from Hawaii to Nevada

Likua next contends that the district court failed to perform a meaningful relocation analysis in accordance with NRS 125C.007. Gomez counters Likua's arguments are an improper request for this court to reweigh the evidence and credibility determinations.

As an initial matter, the statute is technically inapplicable to the facts of this case because Gomez, the noncustodial parent, initiated the relocation of PJ, and Gomez had already been living in Nevada. *See* NRS 125C.006(1) ("If primary physical custody has been established pursuant to an order, judgment or decree of a court and *the custodial parent* intends to relocate his or her residence *to a place outside of this State* . . . ." (emphasis added)); NRS 125C.007 ("In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.006 or 125C.0065, the *relocating parent* must demonstrate to the court that . . . ." (emphasis added)). Upon entry of the September 2023 custody order, Likua was the primary custodian, not Gomez, and the relocation was back *to* Nevada, not *from* Nevada.

Even so, apparently neither party nor the district court recognized this distinction, and its lack of applicability is not argued on appeal. Nevertheless, we recognize that Nevada courts tend to view relocation statutes as instructive in custodial decisions as "[t]he overall purpose" of these statutes "is to preserve the rights and familial relationship of the noncustodial parent with respect to his or her child." *Schwartz v. Schwartz,* 107 Nev. 378, 381-82, 812 P.2d 1268, 1270 (1991). The supreme court further stated in *Schwartz* that "[r]emoval of minor children from Nevada by the custodial parent is a separate and distinct issue from the custody of the children. However, some of the same factual and policy

considerations may overlap." *Id.* at 382, 812 P.2d at 1270. We therefore review the district court's relocation analysis to the extent it is instructive to the ultimate custodial decision.

As stated above, the threshold test for relocation consists of three subparts, all of which the relocating parent must satisfy before the district court considers the relocation factors. *See* 125C.007(1)(a)-(c); *see also* NRS 125C.007(2) ("If a relocating parent demonstrates to the court the provisions set forth in [NRS 125C.007(1)], the court must then weigh the [relocation] factors.").

Determining that Gomez satisfied the first threshold provision, the district court found a sensible, good-faith reason existed for PJ's return to Nevada. *See* 125C.007(1)(a). Relying on evidence and testimony from the second custody hearing, the court determined that PJ's relocation would facilitate his association with family on *both* the maternal and paternal sides residing in Nevada. Notably, PJ's maternal aunt testified that she had not visited the child even once in Hawaii and that she and her children—PJ's cousins—only spent time with him on the mainland. Further, there was no indication that Gomez sought modification to deprive Likua of parenting time, as the district court noted that Gomez had previously given some of his own in-person parenting time to Likua's family because he felt those associations were important for PJ to maintain.

Next, the district court found that Gomez satisfied the second threshold provision, incorporating by reference its specific findings in its custodial modification analysis, the best interest factors set forth at NRS 125C.0035(4). Those specific findings were supported by substantial evidence and provided overlapping support for relocation. As the court determined therein, PJ's best interest would be served under the *primary*

physical custody of Gomez *in* Nevada. *See* NRS 125C.007(1)(b); *cf. Monahan v. Hogan*, 138 Nev. 58, 64-70, 507 P.3d 588, 593-97 (Ct. App. 2022).

Finally, the district court determined that Gomez demonstrated evidence sufficient to satisfy the third threshold provision, finding that the relocation to Nevada would benefit both Gomez and PJ and result in an actual advantage—notably that: (1) relocation will encourage a reduction in conflict between the parents which is an improvement for both Gomez and PJ; (2) Gomez had established a career and business in Nevada with access to income allowing for more financial security for PJ; (3) both PJ's paternal and maternal relatives live nearby which fosters stable familial relationships; (4) the parental relationship between Gomez and PJ is likely to improve upon relocation; and (5) Gomez will continue to encourage and facilitate Likua's parental relationship with PJ while Likua lives in Hawaii. *See* NRS 125C.007(1)(c). These advantages are aligned and overlap with the factual findings in the district court's custodial analysis. *See* NRS 125C.007(1)(b), (c); *see also* NRS 125C.0035(4).

The district court also made specific findings under each of the six relocation factors. *See* NRS 125C.007(2)(a)-(f). The court determined that the catch-all factor, subpart (2)(f), was inapplicable, and only one factor, subpart (2)(d), *disfavored* relocation. The court found the remaining four factors *favored* relocation, including subparts (2)(a), (b), (c), and (e).

The impact of the relocation on PJ's quality of life was the focus of the district court's relocation analysis and was highlighted at length in the oral pronouncement of its decision. *See* NRS 125C.007(2)(a). Despite the numerous activities available to PJ in Hawaii, the district court found that PJ's connections with family and friends, as well as his academic success, were far more important. PJ's behavioral decline since moving to

Hawaii was also of concern to the court, finding the number of extracurricular activities he was enrolled in may have played a role.

The district court also found that Gomez's motive in seeking modification was credible and sought in good faith. *See* NRS 125C.007(2)(b). The court noted that Gomez tried to make the best out of the express provisions of the initial custody order, despite Likua's habitual interference with both his in-person and remote parenting time. The court did not find any evidence or credible testimony corroborating Likua's allegation that Gomez sought modification or relocation merely to frustrate her custodial rights. The court used a similar rationale in finding that Gomez was most likely to follow a court order, especially as it pertained to facilitating Likua's noncustodial parenting time. *See* NRS 125C.007(2)(c). The district court relied on Gomez's past compliance with the parenting time schedule set forth in the initial custody order, and the court was confident that he would follow alternate orders upon PJ's return to Nevada.

The district court further found that PJ's return would not substantially undermine the parent-child relationship with Likua. *See* NRS 125C.007(2)(e). In support of its finding, the court noted how Likua's significant parenting time as the noncustodial parent would be unencumbered by PJ's prospective academic schedule. Indeed, the modified custody order ultimately awarded Likua significant parenting time with PJ in Hawaii during his academic breaks—including the spring and summer academic breaks. Likua further retained significant parenting time during PJ's winter academic break, sharing that time with Gomez on an alternating schedule. In total, the parenting time afforded to Likua in the modified custody order was at least comparable to the time afforded to Gomez in the initial custody order. Further, Gomez has been ordered to

accommodate Likua if she is able to travel to Nevada for additional parenting time and, upon adequate notice, Gomez must make PJ available for such additional time during weekends.

For these reasons, the district court adequately considered and made specific findings under each threshold provision and relocation factor, consistent with NRS 125C.007(1) and (2). These findings are supported by substantial evidence. Thus, Likua has not established that the district court abused its discretion in its relocation analysis.

Likua's request to access community funds for purposes of paying attorney fees

After the district court's oral pronouncement of its custody decision granting Gomez's motion to modify, Likua orally requested the release of funds to cover the costs of the underlying litigation and pursue her appellate rights. That request was deferred by the district court, noting that it would be resolved in disposition of the financial trial.

The findings of fact, conclusions of law, and divorce decree that followed in December 2024 contained a denial of outstanding requests for attorney fees, but it also indicated "that it would accept Rule 54 briefs to address attorney's fees post-judgment" and directed the parties to "file briefs if they wish the Court to address any additional requests for fees." By contrast, the modified custody order entered in January 2025 entitled findings of fact, conclusions of law, and final custody decree—which is the only order that Likua designated on appeal—did not expressly deny any requests for fees but simply stated: "that either of the Parties can submit a Rule 54 Motion for ATTORNEY'S FEES related to this post Decree custody litigation so that the Court can rule on that issue."

Likua timely pursued her NRCP 54 motion for fees in January 2025. She then filed her notice of appeal from the January 2025 modified custody order in February 2025. Although the April 2025 order that followed provided an express denial of all respective requests for fees by the parties, it appears that the denial was as to fees requested in the financial trial and not in the custody portion of the bifurcated proceedings.[7] Regardless, the December 2024 decree and the April 2025 order were not designated in Likua's notice of appeal as having been appealed in this case, and this court cannot address issues related to them. *See* NRAP 3(c)(1)(B) (requiring that a notice of appeal "designate the judgment, order or part thereof being appealed"); *see also Reno Newspapers, Inc. v. Bibb*, 76 Nev. 332, 335, 353 P.2d 458, 459 (1960) ("Only those parts of the judgment which are included in the notice of appeal will be considered by the appellate court.").

Thus, insofar as Likua challenges the district court's denial or deferment of fees incurred in the December 2024 decree or post-judgment custodial litigation, we do not consider it. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (holding that a post-judgment order on fees or costs "may be appealed as a special order made after final judgment"); *see also* NRAP 4(a)(6) (providing that a premature notice of appeal does not divest the district court of jurisdiction).

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[7]The disposition of the financial trial—including the district court's rulings on the division of community property and post-judgment orders—is the subject of a separate appeal currently pending before the supreme court. *See generally Likua v. Gomez*, Docket No. 91140 (Notice of Appeal, August 8, 2025).

Likua's claim of judicial bias

Likua asserts that the district court exhibited bias in its custodial decision and requests the assignment of an alternate judicial officer upon remand. Because we affirm the district court's custodial decree and do not remand, Likua's request is moot, and her allegations of bias need not be considered on appeal. *Cf. Roe v. Roe*, 139 Nev. 169, 182, 535 P.3d 274, 292 (Ct. App. 2023) (concluding that reassignment was necessary to maintain the appearance of impartiality but did not address judicial bias as a substantive ground for reversal).[8]

Accordingly, we ORDER the judgment of the district court AFFIRMED.



_____, C.J.
Bulla



_____, J.
Gibbons



_____, J.
Westbrook

[8]Even if this court addressed the merits of Likua's claim of judicial bias in this appeal, it would fail because her allegation of bias does not stem from an extrajudicial source, nor does it show that the district court formed an opinion grounded in deep-seated favoritism or antagonism. *See Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022). As to any arguments not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Regina M. McConnell, District Judge
Carman & Price
Nevada Family Law Group
Eighth District Court Clerk