IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAWANA MONDAY,
Appellant,
vs.
MAURICE CHRISTIAN,
Respondent.

No. 90704-COA

FILED
MAR 30 2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Lawana Monday appeals from a post-custody decree order modifying child custody and support. Eighth Judicial District Court, Family Division, Clark County; Regina M. McConnell, Judge.

Monday and respondent Maurice Christian share one minor child, who was born in 2020. The district court previously entered a decree of custody awarding the parties joint legal and physical custody of the child and adopting the parties' agreement as to the parenting time schedule. The court also noted that the parties stipulated that neither party would pay the other monthly child support. Christian subsequently moved to modify the custody arrangement, acknowledging that he had relocated to Philadelphia, Pennsylvania and that he wished for the child to travel to that city to allow for extended parenting time. Monday opposed the motion, stating that Christian had not exercised parenting time in more than a year and that she was raising the child on her own. Monday further requested a modification of the child support order.

The district court conducted an evidentiary hearing concerning the outstanding custody matters and both parties testified at the hearing. After the hearing, the district court issued a written order in which it noted

the parties stipulated to modify the physical custody arrangement to provide Monday with primary physical custody of the child. The court also provided Christian with out-of-state parenting time during summer breaks and on alternating holidays. Of note, the district court's order did not contain findings concerning NRS 125C.0035(4)'s best interest factors.

The district court also modified the child support order, noting that Christian testified that his gross income was $70,000 per year, and explaining that his support obligation would be $933 under the standard formula, but finding a downward adjudgment in the amount of $233 was appropriate after factoring the costs of transportation of the child for parenting time in Pennsylvania. The district court thus awarded Monday monthly child support in the amount of $700. This appeal followed.

First, Monday argues the district court abused its discretion by modifying the parenting time schedule without sufficient factual findings, including specific findings under the NRS 125C.0035(4) best interest factors.[1] Monday asserts the district court ignored her concerns regarding Christian's lack of involvement in the child's life, did not appropriately evaluate her concerns with Christian's consumption of alcohol, and did not consider her request for Christian's parenting time to occur in Nevada until the child develops a comfort level with him.

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

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[1]We note the parties stipulated to modifying the custody arrangement to provide Monday with primary physical custody of the child, *see* EDCR 5.601(e) (stating "[a] court-adopted stipulation concerning child custody shall be construed as including findings that [the stipulation] is in the best interest of the child"), but they did not reach a stipulation concerning the parenting time schedule.

P.3d 239, 241 (2007); *see also Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) ("A court decision regarding [parenting time] is a custody determination." (internal quotation marks omitted)). 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." *Ellis*, 123 Nev. at 149, 161 P.3d at 242. While our review is deferential, we do not defer "to legal error or to findings so conclusory they may mask legal error." *Davis v. Ewalefo*, 131 Nev. 445, 450, 352 P.3d 1139, 1142 (2015) (internal citations omitted).

When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1); *Davis*, 131 Nev. at 451, 352 P.3d at 1143. A court may modify a physical custody arrangement only when the movant demonstrates 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 v. Romano*, 138 Nev. 1, 5, 501 P.3d 980, 983 (2022) (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).

Moreover, the district court's "order must tie the child's best interest, as informed by specific, relevant findings respecting the [best interest factors] and any other relevant factors, to the custody determination made." *Davis*, 131 Nev. at 451, 352 P.3d at 1143; *see also* NRS 125C.0035(4) (stating "[i]n determining the best interest of the child, the court shall consider and set forth its specific findings" concerning the best interest factors). "Specific findings and an adequate explanation of the reasons for the custody determination are crucial to enforce or modify a

custody order and for appellate review." *Davis*, 131 Nev. at 452, 352 P.3d at 1143 (internal quotation marks omitted). Without specific findings and an adequate explanation for the custody determination, this court cannot determine with assurance whether the custody determination was appropriate. *Id.*; *cf. Martinez v. Martinez*, 140 Nev., Adv. Op. 73, 559 P.3d 863, 868 (2024) (affirming a district court's decision to modify a parenting time schedule when "the district court supported its [parenting time] order with explicit findings [pursuant to] NRS 125C.0035(4)").

Having reviewed the record on appeal,[2] we conclude that the district court's order is facially insufficient to support its custody determination, or to allow meaningful appellate review of the court's reasons for its decisions concerning the parties' parenting time.

We note that, during the evidentiary hearing, Monday testified she was fine with the child visiting Christian in Philadelphia. However, she also explained that the child was undergoing evaluation to ascertain if she had autism and that the child visited speech therapists three days per week such that the child may experience difficulties with those issues through extended stays in Philadelphia. Monday also expressed concern that Christian had rarely exercised his parenting time such that he was not likely to be prepared to deal with the child's ongoing issues. In addition, Monday explained that she believed Christian had issues concerning the consumption of alcohol. Christian expressed his desire for additional contact with the child, stated he was aware of the child's speech issues, and testified that he could find a speech therapist to work with the child in

[2]We note Christian did not file a fast track answering brief and the supreme court ordered this matter to be decided without such a brief from Christian.

Philadelphia. Christian also denied that he consumed alcohol to excess, noting he works in a school district and would not be able to do so if he had such issues.

In its order, the district court noted Christian previously moved to Philadelphia and found that Christian was entitled to parenting time in that location. The district court noted the parties' testimony concerning the child's ongoing issues and Christian's alleged issues regarding the consumption of alcohol, but its order does not contain findings resolving those issues. In reaching its decision concerning the parties' parenting timeshare, the court failed to engage in discussion or analysis of the best interest factors as required by NRS 125C.0035(4) and *Davis*.[3] Because the district court failed to make the required findings when evaluating Christian's motion, we cannot determine whether the district court's decision was appropriate. *See Davis*, 131 Nev. at 452, 352 P.3d at 1143.

For these reasons, we reverse the district court's order and remand this matter for further proceedings. On remand, we direct the district court to fully and properly address the best interest factors as required by NRS 125C.0035(4) and tie its parenting time determination to the child's best interest.[4] *See Davis*, 131 Nev. at 451, 352 P.3d at 1143.

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[3]Although specific written findings regarding the best interest factors are required, our review of the transcript from the evidentiary hearing in this matter similarly reveals that the district court did not make oral findings as to the best interest factors during the evidentiary hearing.

[4]Pending further proceedings on remand, we leave in place the current custody arrangement, subject to modification by the district court to comport with the current circumstances. *See Davis*, 131 Nev. at 455, 352 P.3d at 1146 (leaving certain provisions of a custody order in place pending further proceedings on remand).

Next, Monday challenges the district court's child support award, arguing that it was not based upon substantial evidence. Given our reversal of the parenting time decision, the district court's award of child support is necessarily reversed, as it was made in consideration of the costs associated with the child's transportation for Christian's parenting time in Philadelphia. *See* NAC 425.150(1)(e) (allowing a district court to adjust a child support obligation based upon findings concerning "[t]he cost of transportation of the child to and from visitation"). On remand, we direct the district court to again evaluate the child support award after further consideration of the parenting time requests by the parties, a proper analysis of NRS 125C.0035(4)'s best interest factors, and additional review of the transportation costs should the court elect to provide Christian with out-of-state parenting time. *See Martinez v. Martinez*, 140 Nev., Adv. Op. 73, 559 P.3d 863, 867 (2024) (holding "that the district court may not impose transportation costs separately without determining the impact on the overall child support obligation"). Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.



_____, C.J.
Bulla



_____, J.
Gibbons



_____, J.
Westbrook

cc: Hon. Regina M. McConnell, District Judge, Family Division
The Law Offices of Frank J. Toti, Esq.
Maurice Christian
Eighth District Court Clerk