IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LATISHA MARIE JONES,
Appellant,
vs.
KEVIN ROSS CONWAY,
Respondent.

No. 85265-COA

FILED
MAY 08 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Latisha Marie Jones appeals from a post-divorce decree district court order denying relocation and modifying child custody. Eighth Judicial District Court, Family Court Division, Clark County; Stacy Michelle Rocheleau, Judge.

Latisha and respondent Kevin Ross Conway were divorced by way of a decree of divorce following settlement. Pursuant to the decree, the parties were to share joint legal custody of their two minor children, with Latisha exercising primary physical custody. Shortly after entry of the decree, Kevin filed a motion for an order to show cause, alleging in part that Latisha was failing to comply with the decree in multiple ways, including that she had left the state multiple times—once with the children—without telling him, resulting in him not receiving some of his parenting time. Following a hearing on the motion, the district court entered an order wherein the parties stipulated that they were "on notice that neither party may relocate without first obtaining written/email permission from the

other parent or without first petitioning the Court; neither party may 'move first and ask for forgiveness later.'"

Kevin later filed a motion alleging that Latisha had relocated with the children to Louisiana and seeking both return of the children and an award of primary physical custody. Latisha filed an opposition and countermotion for relocation, admitting she had already relocated with the children to Louisiana and requesting that the court permit her to do so. The district court set the matter for an evidentiary hearing, following which it entered a written order denying Latisha's request for relocation and granting Kevin's motion for primary physical custody of the children. In relevant part, the court concluded that Latisha failed to obtain Kevin's written consent to relocate with the children or seek court permission to do so until after she had already relocated, thereby violating NRS 125C.006. The court further concluded that Latisha failed to provide a compelling excuse for her failure to comply with the statute and that she failed to make a threshold showing in favor of relocation under NRS 125C.007. Finally, the court determined that the children's best interests would be served by awarding Kevin primary physical custody. This appeal followed.

On appeal, Latisha first summarily argues that the district court failed to properly apply NRS 125C.006, which provides that, if a parent with primary physical custody intends to relocate with her child "to a place outside of this State . . . that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child," the custodial parent must, before relocating, attempt to obtain the written consent of the other parent and, if unable to do so, obtain the court's permission to relocate with the child.

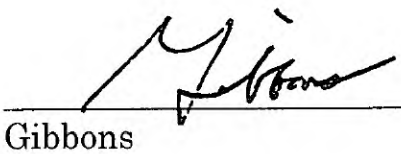
NRS 125C.006(1)(a)-(b). But Latisha fails to set forth any cogent explanation as to how the district court supposedly misapplied the statute, *see Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider claims unsupported by cogent argument), and it was undisputed below that Latisha did in fact relocate with the children from Nevada to Louisiana without first obtaining Kevin's consent or the court's permission. We therefore discern no error in the district court's conclusion that Latisha violated the statute. *See Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1227 (2004) (providing that a district court's legal conclusions are reviewed de novo).

Latisha also argues that, in reaching its decision, the district court failed to consider evidence of Kevin committing domestic violence against her.[1] But Latisha wholly failed to raise this issue at the evidentiary hearing, and neither party testified nor admitted any evidence concerning alleged domestic violence. The issue is therefore waived. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal."). And because Latisha otherwise fails to

[1]To the extent Latisha argues that the district court failed to consider evidence she submitted on July 22, 2022, and August 2, 2022, it does not appear from the record that she submitted any evidence to the district court on those dates. Rather, on July 22, she filed an objection to untimely discovery requests by Kevin, and on August 2, she filed her pretrial memorandum, neither of which had any exhibits attached. We therefore reject this argument.

demonstrate that the district court in any way abused its discretion, *see Flynn*, 120 Nev. at 440, 92 P.3d at 1227 (reviewing a district court's decision concerning child custody and relocation for an abuse of discretion), we

ORDER the judgment of the district court AFFIRMED.[2]



_____, C.J.
Gibbons



_____, J.
Bulla



_____, J.
Westbrook

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Court Division
Latisha Marie Jones
Kevin Ross Conway
Eighth District Court Clerk

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[2]Insofar as Latisha raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.