IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM WEST ROBERTS,
Appellant,
vs.
CATRINA ANDRINO,
Respondent.

No. 89438

FILED
NOV 04 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order modifying custody of a minor child. Eighth Judicial District Court, Family Division, Clark County; Dedree Butler, Judge.

Appellant William Roberts and respondent Catrina Andrino are the parents of seven-year-old W.R. In 2019, Andrino absconded to California with W.R. without court or Roberts' permission and, as a result, the district court granted Roberts primary physical custody and Andrino limited visitation. Andrino moved back to Nevada and cohabited with Roberts and W.R. for approximately one year. After Andrino left the home at Roberts' request, Andrino moved for joint physical custody. The district court denied Andrino's motion, but nevertheless increased Andrino's visitation time. Roberts appeals.

Child custody matters, including parenting time, rest in the district court's sound discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007); *see also Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (reviewing a decision altering parenting time for an abuse of discretion). The district court's sole consideration in making a custody decision is the child's best interest, NRS 125C.0035(1), and we

presume that the court acted within its discretion in evaluating that interest, *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004).

Citing *Romano v. Romano*, 138 Nev. 1, 5, 501 P.3d 980, 983 (2022), where we stated that a "court may modify a joint or primary physical custody arrangement only when (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," Roberts argues that the district court erred by altering the visitation schedule despite expressly finding no such change in circumstances.[1]

In permitting Andrino additional visitation time with W.R., the district court made findings about Andrino's stable employment in Nevada; concerns with Roberts not facilitating Andrino's relationship with W.R. and his rigidity when Andrino sought to exercise parent-child time; Roberts' use of obscene, misogynistic, or abusive language toward Andrino and Roberts' failure to correct W.R. for using such language, which increased the conflict between the parties; and the close bond between Andrino and W.R. Because substantial evidence, including the parties' testimony, written exchanges, and other documentary evidence, supports those findings, we perceive no abuse of discretion in the court's decision. *Bautista v. Picone*, 134 Nev. 334, 336, 419 P.3d 157, 159 (2018) ("An abuse of discretion occurs when a district court's decision is not supported by substantial evidence or is clearly

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[1]As Andrino does not challenge the district court's order with the goal of enlarging her rights thereunder or of lessening Roberts' rights, Roberts' argument about the cross-appeal rule is unavailing. *Ford v. Showboat Operating Co.*, 110 Nev. 752, 755, 877 P.2d 546, 548 (1994) (recognizing that without cross-appealing, a respondent may "advance any argument in support of the judgment even if the district court rejected or did not consider the argument.").

erroneous."); *Ellis*, 123 Nev. at 149, 161 P.3d 239, 242 (observing that, in reviewing custody decisions, we will not set aside 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").

Roberts misreads our holding in *Romano* in arguing that a change in parent-child time is not permitted unless a parent also demonstrates a substantial change in circumstances. In resolving Andrino's motion, the district court did not shift the custody designation from primary to joint but granted Andrino additional parent-child time based on its evaluation of the best interest factors. That decision aligns with our recent opinion in *Martinez v. Martinez*, which affirmed an order that increased visitation time without altering the parties' custody status after the court found that the father failed to show substantially changed circumstances, yet substantial evidence supported additional visitation time. 140 Nev. Adv. Op. 73, 559 P.3d 863, 865, 868 (2024). In *Martinez*, the district court ultimately found that the best interest factors supported increased visitation for the noncustodial parent. As in *Martinez*, the district court in this case analyzed the best interest factors listed in NRS 125C.0035(4) in finding that, under the circumstances, Andrino should be allowed additional visitation.

While Roberts points out that the district court concluded many factors weighed in favor of Roberts, the statute does not mandate that any factors be given controlling weight, which allows the district court discretion in determining how much weight to assign to the factors based on the facts and circumstances of the case. NRS 125C.0035(1),(4); *Monahan v. Hogan*, 138 Nev. 58, 62 507 P.3d 588, 592 (Nev. App. 2022) (describing the best interest standard as a polestar of decision making and observing

that it can vary depending on context); *see Roe v. Roe*, 139 Nev. 163, 163, 535 P.3d 274, 280 (2023) (observing that district courts have discretion in translating the "child's best interest into a quantifiable, clearly defined parenting time schedule"). And the district court pointed to the factors that favored Roberts in rejecting Andrino's request to modify custody status to joint custody which, if granted, may have impacted the parents' decision-making authority and the child's living arrangements.

As to other factors, Roberts does not dispute the district court's findings that W.R. is young and closely bonded with Andrino and, despite some of her actions, Andrino loves W.R. and wants to spend more time with him; Andrino now has stable employment, which is relevant to her ability to meet W.R.'s needs; and that the level of conflict between the parents is high. These factors are relevant to W.R.'s best interest. NRS 125C.0035(4). Moreover, the record supports the district court's finding that Roberts has, at times, engaged in conduct inconsistent with facilitating W.R.'s relationship with Andrino, as described above. NRS 125C.0035(4)(c), (d). Under these circumstances, we conclude that substantial evidence supports the district court's decision that it was in W.R.'s best interest to have increased visitation time with Andrino.[2] We therefore,

ORDER the judgment of the district court AFFIRMED.

Pickering, J.
Pickering

Cadish, J.
Cadish

Lee, J.
Lee

[2]We have considered Roberts' other arguments not specifically addressed herein and conclude they do not warrant a different outcome.

cc: Hon. Dedree Butler, District Judge, Family Division
Pecos Law Group
Ford & Friedman, LLC
Eighth District Court Clerk