IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRITTANY SHEEHAN,
Appellant,
vs.
JUSTIN MANTY,
Respondent.

No. 84125-COA

FILED

MAR 16 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brittany Sheehan appeals from a district court order dismissing a child custody action. Eighth Judicial District Court, Family Division, Clark County; Dedree Butler, Judge.

Brittany and respondent Justin Manty have one minor child, T.S., and prior to the proceedings at issue here, there was no court order in effect concerning the parties' custody of the child. After Brittany filed the underlying action seeking to establish child custody, parenting time, and child support, Justin filed his own custody action in California, and he filed a motion to dismiss Brittany's complaint for lack of jurisdiction. Brittany thereafter went to California, removed T.S. from her school, and took her to Nevada. Criminal charges were subsequently brought against Brittany in California in connection with the incident. Following a hearing on Justin's motion to dismiss, the district court ordered Brittany to return T.S. to Justin, and it dismissed the underlying action under NRS 125A.365 on grounds that California is a more convenient forum, as most of the relevant evidence and witnesses are in that state. This appeal followed.

On appeal, Brittany sets forth multiple arguments in favor of reversal. First, she contends the district court violated Rule 2.3 of the

Nevada Code of Judicial Conduct, which provides that "[a] judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment." NCJC Rule 2.3(B). Specifically, Brittany points to Judge Butler's statements at the hearing on Justin's motion to dismiss that she "d[id]n't know if [T.S. is] safe right now" and that "for all [she] kn[e]w [T.S. is] . . . somewhere in a basement tied up." Presuming as we must that Judge Butler was unbiased in her statements, *Canarelli v. Eighth Judicial Dist. Court*, 138 Nev., Adv. Op. 12, 506 P.3d 334, 337 (2022), we discern no basis for reversal on these grounds. Judge Butler—albeit in arguably hyperbolic language—was simply stating as a matter of fact that she was not aware of T.S.'s location at the time of the hearing because Brittany refused to reveal that information, and Brittany has failed to show that the district court's rulings were in any way motivated by bias or prejudice.

Next, Brittany argues the district court erred by failing to hold an evidentiary hearing on jurisdiction. But she fails to cite any relevant authority on this point in her appellate brief, and she likewise fails to cogently explain why such a hearing was necessary or identify any disputed factual issues that the court would have needed to decide. *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 or relevant authority). Brittany therefore fails to demonstrate that relief is warranted on this point.

Brittany further argues that the district court improperly relied on hearsay from Justin at the hearing on his motion to dismiss. Even assuming Brittany is correct on this issue, she fails to show that it warrants reversal, as she does not dispute the district court's underlying ruling that

Nevada is an inconvenient forum because most of the relevant evidence and witnesses are in California. Indeed, Brittany wholly fails to address NRS 125A.365 in her appellate brief and instead summarily argues that the district court had jurisdiction, that there was no valid exception to that jurisdiction, and that the court failed to consider whether Nevada was T.S.'s home state under NRS 125A.305. In so doing, Brittany ignores the extent to which NRS 125A.365(1) provides the district court a mechanism to decline to exercise jurisdiction even when it otherwise possesses it, and she therefore fails to demonstrate any reversible error or abuse of discretion in the district court's decision to dismiss the underlying case. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38; *see also Hung v. Genting Berhad*, 138 Nev., Adv. Op. 50, 513 P.3d 1285, 1289 (Ct. App. 2022) (providing that an appellant must challenge the grounds relied upon by the district court to obtain reversal).

Finally, Brittany contends the district court erred when, before it dismissed the case, it ordered her to return T.S. to Justin without considering the factors for determining the best interest of the child under NRS 125C.0035(4). Here, in ruling that T.S. be returned to Justin, the court pointed to the circumstances under which T.S. was removed from California by Brittany—for which Brittany had been criminally charged and had an active warrant out for her arrest—and the fact that Brittany would not reveal where the minor child was, such that the court did not know whether she was safe at that time, as grounds for exercising emergency jurisdiction to make this determination. *See* NRS 125A.335(1) ("A court of this state has temporary emergency jurisdiction if the child is present in this state and . . . it is necessary in an emergency to protect the child because the child . . . is subjected to or threatened with mistreatment or abuse."). We

conclude that the court's oral findings and conclusions on these points were sufficient to support its exercise of temporary emergency jurisdiction to order Brittany to return T.S. to Justin in California. Thus, Brittany fails to show any reversible error or abuse of discretion on this point.

In light of the foregoing, Brittany fails to demonstrate any basis for reversal, and we therefore

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Bulla

_____, J.
Westbrook

cc: Hon. Dedree Butler, District Judge, Family Court Division
Richard F. Scotti
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Eighth District Court Clerk