

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico

Filed 10/27/2025 7:30 AM



Mark Reynolds

AMANDA ARMENDARIZ,

Petitioner-Appellant,

v.

No. A-1-CA-42678

JOSHUA WILLIAMS,

Respondent-Appellee,

and

STATE OF NEW MEXICO (HSD),

Intervenor.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY

Jane C. Levy, District Court Judge

Amanda Armendariz

Albuquerque, NM

Pro Se Appellant

Joshua Williams

Phoenix, AZ

Pro Se Appellee

MEMORANDUM OPINION

YOHALEM, Judge.

{1} Mother appeals the district court's order adopting the hearing officer's
recommendations regarding the parties' then-twelve year old son's (Child) residence
in Arizona with Father. In our notice of proposed summary disposition, we proposed

1 to affirm. Mother has filed a memorandum in opposition, which we have duly
2 considered. Unpersuaded, we affirm.

3 {2} In our notice of proposed summary disposition, we proposed to hold the
4 following: there was no error in the hearing officer’s admission of Father’s
5 allegations of Mother’s infidelity and subsequent conveyance of the information to
6 the court clinician [CN 2-5]; the district court did not abuse its discretion in ordering
7 the change to Child’s legal custody as within the scope of Father’s motion to prevent
8 relocation [CN 5-6]; the district court did not err in declining to address Mother’s
9 concerns with Father’s criminal history and suspected lack of a valid driver’s license
10 [CN 6-8]; and the district court did not err in describing the court clinician’s
11 testimony regarding the sibling separation as “difficult” rather than “traumatic” [CN
12 8-9].

13 {3} In her memorandum in opposition, Mother notes that she does not dispute the
14 above conclusions “except for as they pertain to the [d]istrict [c]ourt’s obligation to
15 ensure that a proper and thorough best interests analysis was conducted.” [MIO 1]
16 Rather, Mother contends that this Court has overlooked two additional issues
17 originally raised in her docketing statement—that the district court incorrectly or
18 failed to consider various evidence under its best interest analysis pursuant to NMSA
19 1978, Section 40-4-9 (1977) and NMSA 1978, Section 40-4-9.1 (1999). [MIO 1-2]
20 We observe that these challenges were not included in the issues presented section

1 of her docketing statement, but were only incorporated within the authorities section.
2 Nevertheless, we address them now.

3 {4} We understand Mother to first challenge the sufficiency of evidence presented
4 in support of findings made by the hearing officer and adopted by the district court
5 regarding Mother’s interference in Child’s relationship with Father, as well as
6 Mother’s instability in her living arrangements due to changes in her romantic
7 relationships. [MIO 3-5, 8-9] “This Court will not reweigh evidence on appeal or
8 substitute our judgment for that of the district court. . . . The district court’s findings,
9 nevertheless, must be supported by such relevant evidence that a reasonable mind
10 would find adequate to support a conclusion.” *Hough v. Brooks*, 2017-NMCA-050,
11 ¶ 41, 399 P.3d 387 (internal quotation marks and citations omitted). “The appellate
12 court will view the facts and evidence in a light most favorable to the ruling of the
13 trial court, indulge in all reasonable inference in support of the court’s findings, and
14 will disregard all inferences or evidence to the contrary.” *Alfieri v. Alfieri*, 1987-
15 NMCA-003, ¶ 17, 105 N.M. 373, 733 P.2d 4.

16 {5} With regard to Mother’s interference with Child’s relationship with Father,
17 the hearing officer found that “Mother clearly coached . . . Child prior to his Court
18 Clinic interview and that the [twelve]-year old had an obvious agenda to disclose
19 during the interview” and that Mother “has interfered in [Child’s] relationship with
20 Father.” [2 RP 333 ¶¶ 19, 21]. As it relates to these findings, the hearing officer noted

1 the following testimony from the court clinician about her interview of Child: that
2 Child would report a good relationship with Father when not directly asked, but
3 “would find a reason to complain about Father” when directly asked; Child was
4 confused about the timeshare custody agreement and the actual time he spent with
5 Father; that Child had previously “tried to minimize Father’s importance in [Child’s]
6 life”; that Child criticized Father’s decision to move to Arizona to be closer to Child;
7 that Child would follow up any positive statements about Father with a complaint in
8 a manner that was “consistent with a child who has an agenda”; that Mother appeared
9 to share too much information with Child; and that this oversharing by Mother
10 influenced Child’s feelings about Father. [2 RP 330-332 ¶¶ f-p]

11 {6} The hearing officer further noted Father’s testimony that Child had lied to
12 Father about residing with Mother’s boyfriend, that his communications with Child
13 were infrequent, and that Father believed this was “because . . . Child does not want
14 to ‘slip up’ and tell Father something that [Child] was told not to tell.” [2 RP 332
15 ¶ 13] Father further testified of his belief that “Mother is doing everything she can
16 to alienate . . . Child from him.” [2 RP 322 ¶ 14] Mother testified that “she
17 encourages . . . Child to speak to Father. [2 RP 333 ¶ 18] It is within this context that
18 the district court concluded that “[i]t is . . . clear from the record that Mother does
19 not support the relationship that [Child] has with Father and that is not in [Child’s]
20 best interests.” [2 RP 375 ¶ 11]

1 {7} Turning to Mother’s instability in her living arrangements, the hearing officer
2 found that “Mother has subjected . . . Child to instability” and noted the following:
3 that “Mother had previously moved to Arizona due to her husband’s employment in
4 Arizona,” and that, following her divorce from that husband, “Mother, without the
5 permission of Father or th[e district c]ourt, moved back with . . . Child to New
6 Mexico and then moved in with her boyfriend and his children after knowing the
7 boyfriend for a brief period of time.” [2 RP 333 ¶ 20] The district court made similar
8 findings in its memorandum order. [2 RP 374 ¶ 6]

9 {8} Viewing the facts and evidence in the light most favorable to the ruling of the
10 district court, indulging all reasonable inferences in support of the findings, and
11 disregarding all inferences or evidence to the contrary, we conclude that the evidence
12 presented was sufficient to support the findings regarding Mother’s interference in
13 Child’s relationship with Father, as well as Mother’s instability in her living
14 arraignments. *See id.* ¶ 17.

15 {9} Mother additionally argues that the district court failed to consider the
16 following during its best interests analysis: that “Child ha[d] not been harmed by the
17 return to his home state of New Mexico where he was born and raised to the age of
18 [eight] before relocating to Arizona for just [four] years”; that “Child had . . .
19 adjusted exceptionally well to the return to New Mexico”; “how the abrupt change
20 in custody, capriciously ordered and executed with less than [seventy-two] hours’

1 notice, served . . . Child’s best interests”; “the impact of uprooting . . . Child again,
2 not only from his home, sibling, school, friends, sports, and community, but also
3 from the primary care of Mother—all without the benefit of a transition plan of any
4 kind”; that the decision “did not return . . . Child to his previous status quo . . . but
5 rather required . . . Child to start [a]new . . . at a completely new school, with less
6 than six weeks of the school year remaining”; and that the decision “fails to give
7 proper weight to . . . Child’s existing emotional ties to his Mother . . . and disregards
8 the need for predictable, frequent contact.” [MIO 3-7]

9 {10} “We review a district court’s child custody determination for abuse of
10 discretion.” *Hough*, 2017-NMCA-050, ¶ 18; *see Ridgway v. Ridgway*, 1980-NMSC-
11 055, ¶ 10, 94 N.M. 345, 610 P.2d 749 (“The determination of the trial judge, who
12 saw the parties, observed their demeanor and heard the testimony will not be
13 overturned absent a manifest abuse of discretion.”). “An abuse of discretion occurs
14 when a ruling is clearly contrary to the logical conclusions demanded by the facts
15 and circumstances of the case.” *Hough*, 2017-NMCA-050, ¶ 18 (internal quotation
16 marks and citation omitted). In a custody case in which parents are opposed, the
17 welfare and best interests of the minor child is the paramount consideration. *See id.*
18 ¶ 28. In conducting its best interest’s analysis, the district court possesses
19 “considerable discretion” as long as it is “consistent with the evidence and statutory
20 requirements.” *Id.* ¶ 30 (internal quotation marks and citation omitted); *see also*

1 *Rhinehart v. Nowlin*, 1990-NMCA-136, ¶ 47, 111 N.M. 319, 805 P.2d 88 (“[District]
2 courts are vested with broad discretion and great flexibility in fashioning custody
3 arrangements and parenting plans that will serve the best interests of the child[.]”).

4 {11} We find no support for Mother’s contentions that the district court failed to
5 consider the impact of returning Child to Arizona following Mother’s unauthorized
6 and unilateral decision to relocate Child to New Mexico approximately five months
7 earlier. Rather, the record reflects that the district court was familiar with the history
8 of the case, as well as the parties’ circumstances, and considered the case history and
9 relevant circumstances with care. [2 RP 373-76] As a result, we hold that the district
10 court’s order indicates that it properly took into consideration the factors relevant to
11 Child’s best interests and that Mother has failed to demonstrate that the district court
12 abused its discretion. *See* § 40-4-9(A) (identifying factors relevant to the best
13 interests of the child); § 40-4-9.1(B) (same); *see also Clayton v. Trotter*, 1990-
14 NMCA-078, ¶ 5, 110 N.M. 369, 796 P.2d 262 (“In matters of custody . . . we will
15 overturn an award only when there has been a manifest abuse of discretion.”);
16 *Thomas v. Thomas*, 1999-NMCA-135, ¶ 16, 128 N.M. 177, 991 P.2d 7 (upholding
17 the district court’s custody order, notwithstanding the absence of point-by-point
18 findings corresponding with the relevant statutory factors, where the district court
19 demonstrated appropriate concern for the emotional well-being of the children, and
20 duly acknowledged the existing familial relationships, but ultimately determined

1 that a parent's animosity, lack of respect, and refusal to cooperate with the other
2 parent established that joint custody was not in the children's best interest).

3 {12} To the extent that Mother requests that this Court reweigh the evidence
4 considered by the district court in her favor or otherwise supplant the district court's
5 view of the evidence with our own, we observe that case law mandates otherwise.
6 *See Clark v. Clark*, 2014-NMCA-030, ¶ 26, 320 P.3d 991 ("We will not reweigh the
7 evidence nor substitute our judgment for that of the fact[-]finder." (alteration,
8 internal quotation marks, and citation omitted)); *see also Skeen v. Boyles*, 2009-
9 NMCA-080, ¶ 37, 146 N.M. 627, 213 P.3d 531 (stating that, when the district court
10 hears conflicting evidence, "we defer to its determinations of ultimate fact, given
11 that we lack opportunity to observe demeanor, and we cannot weigh the credibility
12 of live witnesses").

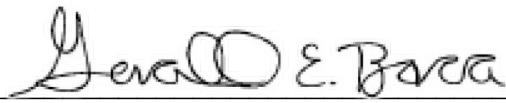
13 {13} Thus, for the reasons stated here and in our notice of proposed summary
14 disposition, we affirm the district court's order adopting the hearing officer's
15 recommendations regarding Child's residence in Arizona with Father.

16 {14} **IT IS SO ORDERED.**

17
18 
JANE B. YOHALEM, Judge

1 **WE CONCUR:**

2 
3 **JACQUELINE R. MEDINA, Chief Judge**

4 
5 **GERALD E. BACA, Judge**