

IN THE SUPREME COURT, STATE OF WYOMING

2026 WY 114

OCTOBER TERM, A.D. 2026

October 22, 2026

MELISSA REILLY,

Appellant
(Respondent),

v.

KEVIN SULLIVAN,

Appellee
(Petitioner).

S-26-0055

*Appeal from the District Court of Natrona County
The Honorable Kerri M. Johnson, Judge*

Representing Appellant:

Shawn Alan Johnson, Keller Law Firm, P.C., Thermopolis, Wyoming.

Representing Appellee:

Jordan M. Haack and Anna Reeves Olson, Long Reimer Winegar, LLP, Casper, Wyoming.

Before BOOMGAARDEN, C.J., and GRAY, FENN, JAROSH, and HILL, JJ.

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GRAY, Justice.

[¶1] Melissa Reilly (Mother) appeals from the district court’s order awarding Kevin Sullivan (Father) primary physical custody of their daughter, RAS. We affirm.

ISSUES

[¶2] Mother raises four issues, which we restate as three:¹

1. Did the district court abuse its discretion by assigning little weight to Mother’s status as RAS’s primary caregiver?
2. Did the district court abuse its discretion by improperly minimizing the importance of preserving RAS’s relationship with her half brother and by failing to articulate a reasoned explanation for separating them?
3. Did the district court clearly err when it failed to evenly weigh the parties’ credibility?

FACTS

[¶3] Father resides in Big Sky, Montana, where he works as an emergency room physician. Mother lives in Casper, Wyoming, and works as a radiological technician in Douglas, Wyoming, 45 miles from Casper. In 2019, Mother and Father began a long-distance relationship. At that time, Mother had just started school to become a radiological technician. Father supported Mother financially and gave Mother \$2,500 to expunge a prior assault conviction from her record so she could get a job.

[¶4] The parties’ daughter, RAS, was born in September 2020. After RAS’s birth, Father took a leave of absence from work and came to Casper for six weeks to help care for her. When RAS was three months old, Mother brought RAS to Big Sky to see Father. At all other times, Father traveled from Big Sky to Casper to spend time with RAS. Father visited RAS at least once per month and usually stayed one week. Father initially stayed in a hotel but later rented an Airbnb so the visits could take place in a more home-like setting. Each visit cost him approximately \$2,000. Sometime after January 2021, Father asked Mother if RAS could come to Big Sky for RAS’s birthday, but Mother refused. In August 2022, Father asked Mother if RAS could come to Big Sky and she again refused. In late 2022 or

¹ Mother also argues the district court abused its discretion by relying on speculative safety concerns when discounting her primary caregiver status and when weighing sibling separation. Because Mother addresses this argument within her arguments concerning the district court’s treatment of her primary caregiver status and sibling separation, we do the same.

early 2023, the parties ended their relationship. Father continued to support RAS and Mother financially and to travel to Casper each month to spend time with RAS.

[¶5] Sometime in 2023, RAS had dental surgery that required anesthesia. Mother did not talk with Father before deciding on the surgery. Father was angry with Mother that she had not consulted him and left her three heated voicemails. Mother claimed his speech was slurred, indicating that he had been drinking when he made these calls.

[¶6] In July 2024, Mother again refused a request by Father for RAS to come to Big Sky. That same month, Father filed a petition to establish custody, visitation, and child support, and Mother counterclaimed. Both sought primary physical and legal custody of RAS, subject to the other's reasonable visitation.

[¶7] In September 2024, Mother enrolled RAS in a Casper preschool without consulting Father. She did not list him as RAS's father or as an emergency contact. In November 2024, with the help of his attorney, Father arranged for RAS to spend Thanksgiving with him in Big Sky. It was RAS's first trip to Big Sky since she was three months old.

[¶8] In March 2025, the parties entered into a Stipulated Temporary Custody Order. They agreed to joint legal custody with Mother having primary physical custody. Father received one week of visitation per month in Casper during the school year and four one-week blocks of visitation in Big Sky during the summer. He agreed to pay Mother \$2,000 a month in child support.

[¶9] In November 2025, the district court held a one-day bench trial. Father testified that he was currently working six shifts followed by a week off and then seven shifts followed by a week off. Because of his seniority, Father's work schedule was flexible. Two of Father's witnesses who live in Big Sky testified it is a close-knit, safe community with good schools. They also testified that they had seen Father with RAS and that he was a doting and attentive parent. One of the witnesses said she had known Father for almost eight years and had never seen him drink alcohol or appear to be intoxicated.

[¶10] Mother testified she was currently working as a radiological technician in Douglas, one week on, one week off on the night shift from 5:30 p.m. to 6:00 a.m. When she is working, Virgil Bayard Clark, III, her live-in boyfriend since November 2023, cares for RAS, including taking her to and from school. Mr. Clark has also helped transport RAS to visitation with Father. Mr. Clark is 54 years old and works as an HVAC technician but was unemployed at the time of trial and did not hold a Wyoming driver's license. Mother admitted Mr. Clark had five convictions for driving under the influence of alcohol or drugs (DUI). The fifth conviction was in 2018 when Mr. Clark—with a blood alcohol content of .280 and while on probation for his fourth DUI conviction—drove off the road and rolled down an embankment. He was sentenced to 30–54 months in prison for that offense. Mother testified that she knew Mr. Clark served prison time for DUIs and that he still

drinks alcohol occasionally. During discovery, Father asked Mother for Mr. Clark's driver's license. Mother produced it but admitted that she redacted Mr. Clark's first name and address before providing it. She said the redaction was "to protect" Mr. Clark's information, not to hide anything.

[¶11] Mother testified she has another minor child, an 11-year-old son, KF, from a previous relationship with Jeffrey Fuller. She described RAS's relationship with KF (her half brother) as "fantastic [and that] [t]hey have a great relationship. They love each other tremendously." Mother admitted that Mr. Fuller is a registered sex offender and has a significant criminal background, including convictions for first-degree sexual assault with intrusion and felony property destruction. The victim of the sexual assault was an adult. Mother stated Mr. Fuller has met and spent time with RAS on numerous occasions, but RAS has never been left alone with him.

[¶12] On cross-examination, Father denied he had been on alcohol monitoring while in his anesthesiology residency. Mother later testified Father told her he was monitored after a suicide attempt and had to blow into a machine. On rebuttal, Father said the question he had denied was whether his medical license carried a stipulation, and he admitted he was monitored for depression during his residency, which included drug and alcohol testing.

[¶13] Prior to trial, the district court granted Father's motion to sequester the witnesses, including Mr. Clark. Mother admitted during cross-examination that she violated that order by speaking with Mr. Clark about the trial proceedings during the lunch break. Father argued this violation should weigh heavily against Mother's credibility. Mother did not plan to call Mr. Clark as a witness and conceded the court could bar him from testifying. The district court excluded Mr. Clark from testifying and told the parties it would consider Mother's violation of the sequestration order in assessing credibility.

[¶14] After considering the factors in Wyo. Stat. Ann. § 20-2-201(a), discussed more fully below, as well as Mother's primary caregiver status and the effect of separating RAS from KF, the district court concluded it was in RAS's best interests for the parties to share joint legal custody of RAS, with Father having primary physical custody and Mother having reasonable visitation. Mother timely appealed.

STANDARD OF REVIEW

[¶15] "We review a district court's custody decision . . . for an abuse of discretion." *Bailey v. Bailey*, 2024 WY 65, ¶ 6, 550 P.3d 537, 542 (Wyo. 2024) (quoting *Mecartney v. Mecartney*, 2021 WY 141, ¶ 15, 501 P.3d 197, 202 (Wyo. 2021) (quoting *Bruegman v. Bruegman*, 2018 WY 49, ¶ 11, 417 P.3d 157, 161 (Wyo. 2018))). "A court abuses its discretion if it acts in a manner that exceeds the bounds of reason under the circumstances, violates some legal principle, or ignores a material factor deserving significant weight." *Id.* (citing *Hyatt v. Hyatt*, 2023 WY 129, ¶ 48, 540 P.3d 873, 888 (Wyo. 2023)). "Judicial

discretion is not absolute[.] ‘Abuse occurs when a material factor deserving significant weight is ignored, when an improper factor is relied upon, or when all proper and no improper factors are assessed, but the court makes a serious mistake in weighing them.’” *Smith v. Smith*, 2025 WY 128, ¶ 13, 580 P.3d 507, 511 (Wyo. 2025) (quoting *Domenico v. Daniel*, 2024 WY 2, ¶ 29, 541 P.3d 420, 429–30 (Wyo. 2024) (quoting *Ianelli v. Camino*, 2019 WY 67, ¶ 21, 444 P.3d 61, 66 (Wyo. 2019))).

[¶16] When determining whether the district court abused its discretion, “[w]e consider the evidence presented in the light most favorable to the district court’s decision, affording every favorable inference to the prevailing party and omitting from our consideration the conflicting evidence.” *Callaway v. Callaway*, 2026 WY 41, ¶ 28, 587 P.3d 501, 511 (Wyo. 2026) (quoting *Smith*, ¶ 13, 580 P.3d at 511). We accord considerable deference to the district court’s credibility determinations because it “is in the best position to assess the credibility of witnesses and weigh their testimony.” *Drake v. McCulloh*, 2002 WY 50, ¶ 18, 43 P.3d 578, 584 (Wyo. 2002) (citing *Clark v. Clark*, 980 P.2d 821, 823 (Wyo. 1999)). “Where a court makes an explicit finding of credibility on the record that is challenged on appeal, we will review that finding for clear error.” *Matter of Est. of Soames*, 2022 WY 79, ¶ 16, 512 P.3d 629, 632 (Wyo. 2022). “Clear error occurs when, after reviewing the entire evidence, we are ‘left with the definite and firm conviction that a mistake has been committed.’” *Id.* (quoting *Fuger v. Wagoner*, 2020 WY 154, ¶ 8, 478 P.3d 176, 181 (Wyo. 2020)).

DISCUSSION

[¶17] “[C]rafting custody and visitation arrangements ‘encompasses one of the most difficult and demanding tasks assigned to a trial judge.’” *Martin v. Hart*, 2018 WY 123, ¶ 27, 429 P.3d 56, 65 (Wyo. 2018) (quoting *Bruegman*, ¶ 11, 417 P.3d at 161). “An initial custody determination is particularly difficult when the parties reside a significant geographic distance apart because, although geographic distance does not diminish either parent’s ability to fulfill parental responsibilities, it necessarily affects each parent’s ability to maintain a meaningful relationship with the child.” *Swindler v. Bright*, 2026 WY 90, ¶ 13, 594 P.3d 756, 759–60 (Wyo. 2026) (citing *Pahl v. Pahl*, 2004 WY 40, ¶ 24, 87 P.3d 1250, 1257 (Wyo. 2004)). “In making an initial custody determination, the child’s best interests are paramount, and ‘the trial court has a large measure of discretion’ in determining the custodial arrangement that best serves those interests.” *Id.* ¶ 13, 594 P.3d at 760 (quoting *Johnson v. Johnson*, 2020 WY 18, ¶ 12, 458 P.3d 27, 32 (Wyo. 2020) (quoting *Arnott v. Arnott*, 2012 WY 167, ¶ 31, 293 P.3d 440, 455 (Wyo. 2012))).

A. Statutory Factors

[¶18] Wyo. Stat. Ann. § 20-2-201(a) sets forth a nonexclusive list of factors the district court must consider when determining what custody arrangement is in the best interests of the child:

- (i) The quality of the relationship each child has with each parent;
- (ii) The ability of each parent to provide adequate care for each child throughout each period of responsibility, including arranging for each child's care by others as needed;
- (iii) The relative competency and fitness of each parent;
- (iv) Each parent's willingness to accept all responsibilities of parenting, including a willingness to accept care for each child at specified times and to relinquish care to the other parent at specified times;
- (v) How the parents and each child can best maintain and strengthen a relationship with each other;
- (vi) How the parents and each child interact and communicate with each other and how such interaction and communication may be improved;
- (vii) The ability and willingness of each parent to allow the other to provide care without intrusion, respect the other parent's rights and responsibilities, including the right to privacy;
- (viii) Geographic distance between the parents' residences;
- (ix) The current physical and mental ability of each parent to care for each child;
- (x) Any other factors the court deems necessary and relevant.

Wyo. Stat. Ann. § 20-2-201(a) (LexisNexis 2023).² A court must also consider the nonstatutory factors of primary caregiver status and sibling separation. *Gutierrez v. Bradley*, 2021 WY 139, ¶ 23, 500 P.3d 984, 990 (Wyo. 2021). *See also Gardels v. Bowling*,

² In March 2025, after the initiation of these proceedings, the legislature amended Wyo. Stat. Ann. § 20-2-201(a) to add an additional factor: "Whether either parent has a conviction for which the parent must register as a sex offender under W.S. 7-19-301 through 7-19-310[.]" Wyo. Stat. Ann. § 20-2-201(a)(x) (LexisNexis 2025). The district court did not consider this factor, neither party raised it, and the record shows it is not applicable to either Mother or Father.

2023 WY 3, ¶ 25, 522 P.3d 1047, 1056 (Wyo. 2023) (“Although our precedent shows primary caregiver status may be analyzed as a separate non-statutory best interests factor, it is implicitly included in § 20-2-201(a)(i)’s consideration of the relationship each parent has with the child.”). “No single factor is determinative, and depending on the case, different factors will present a greater need for emphasis. The one constant is that the resolution must be in the [child’s] best interests[.]” *Hyatt*, ¶ 49, 540 P.3d at 888 (internal quotation marks omitted) (quoting *Johnson*, ¶ 12, 458 P.3d at 33).

[¶19] The district court conducted a detailed analysis of the statutory best-interests factors, as well as primary caregiver status and sibling separation, and concluded it was in RAS’s best interests for Father to have primary physical custody. It found the first, fourth, fifth, sixth, and eighth factors were neutral. The remaining factors and the court’s findings on them are as follows:

- **The ability of each parent to provide adequate care for RAS throughout each period of responsibility, including arranging for her care by others as needed. Wyo. Stat. Ann. § 20-2-201(a)(ii).** The district court found that both parents were capable of providing care for RAS during their time with her. The court was concerned that Mr. Clark cared for RAS while Mother was at work. Given Mr. Clark’s DUI history and continued drinking, the court found that RAS was potentially at risk if an emergency arose while Mother was working. The district court contrasted Father’s situation—an established career, flexible work hours allowing him to care for RAS, a suitable home, and access to excellent schools and childcare assistance if needed. This factor weighed in favor of Father.
- **The relative competency and fitness of each parent. Wyo. Stat. Ann. § 20-2-201(a)(iii).** The court found both parents are competent and fit, but there were “serious concerns” with Mr. Clark and Mr. Fuller’s criminal records, as well as Mother’s assault conviction. While there was no evidence that RAS “was in immediate danger, and a felony record does not automatically render a person unfit to care for [RAS], the court [found] the combined weight of these circumstances creates a significant concern for [RAS’s] safety.” It weighed this factor in favor of Father.
- **The ability and willingness of each parent to allow the other to provide care without intrusion, respect the other parent’s rights and responsibilities, including the right to privacy. Wyo. Stat. Ann. § 20-2-201(a)(vii).** The district court found Mother did not respect Father’s role as a co-parent. The court based its finding on Mother’s preschool enrollment omissions, unilateral dental surgery decision, and redaction of Mr. Clark’s license. This factor weighed in favor of Father.

- **The current physical and mental ability of each parent to care for RAS. Wyo. Stat. Ann. § 20-2-201(a)(ix).** The court found both parties were physically and mentally able to care for RAS but was “great[ly] concern[ed]” with Mother’s decisions regarding RAS’s safety. As detailed above, Mother had allowed Mr. Fuller, a registered sex offender, around RAS. She not only let Mr. Clark transport RAS knowing his DUI history, but she also protected him by redacting his driver’s license and violating the sequestration order. It weighed this factor in favor of Father.

B. Primary Caregiver Status, Separation of Siblings, and Credibility

[¶20] Mother’s arguments concern the weight given her primary caregiver status, the separation of RAS and KF, and the court’s credibility findings. We take those in turn.

I. Did the district court abuse its discretion by assigning little weight to Mother’s status as RAS’s primary caregiver?

[¶21] In awarding custody to Father, the court recognized a change in RAS’s primary caregiver is a “weighty matter,” but found a change would not result in instability or insecurity for RAS. It gave Mother’s status as RAS’s primary caregiver “little weight” because she “manufactured” that status by actively preventing Father from fulfilling that same role.

[¶22] Mother argues the district court abused its discretion by giving “little weight” to her role as RAS’s primary caregiver after finding she “manufactured” that status by refusing to allow Father to visit RAS anywhere but Casper. She claims the evidence showed she never refused him visitation. Instead, she asserts, Father sought visitation only when it was convenient for him, and she accommodated his requests to the best of her ability given the geographical distance and RAS’s age. She also contends she had legitimate safety concerns with RAS traveling to Big Sky, especially in the winter, given RAS’s age and the seven-hour, one-way drive. Mother further argues that the court relied on her leaving Father off RAS’s school records but claims she left him off only as an emergency contact because he lived seven hours away. She points out that she never stopped Father from contacting the school or getting information and that she fixed the issue before trial by adding him as an emergency contact. Mother maintains the district court’s finding that she prevented Father from fulfilling a primary caregiver role ignores that Father failed to exercise his parental rights or to take affirmative steps to establish custody or visitation for nearly five years.

[¶23] Mother also argues that in discounting her primary caregiver role, the district court improperly relied on speculative safety concerns related to Mr. Clark’s DUI convictions. Mother contends his most recent DUI conviction was more than seven years ago and there was no evidence that he ever drove RAS while he was intoxicated or that his driving

privileges were suspended or inhibited in any way. Because the district court criticized her for relying on Mr. Clark to assist with RAS's care while she was working and noted Father's "established career," Mother insists the district court penalized her for being a "single working mother managing childcare responsibilities while [Father] remained absent seven hours away." She contends rather than penalizing her for maintaining employment, the court should have evaluated whether RAS's needs were being met and focused on RAS's established routines, attachments, and day-to-day stability. Properly evaluated, Mother argues there was no evidence that RAS's care, safety, or well-being have been compromised.

[¶24] "A child's primary caregiver is 'the parent who is primarily responsible for the hands-on, day-to-day care of the child.'" *Gardels*, ¶ 26, 522 P.3d at 1057 (quoting *Williams v. Williams*, 2016 WY 21, ¶ 21, 368 P.3d 539, 546 (Wyo. 2016), *overruled on other grounds by Bruegman*, 417 P.3d 157). "[A] change of a child's primary custodian/caregiver is a 'weighty matter' that 'raises a significant concern about relationship stability and security for the child.'" *Id.* ¶ 25, 522 P.3d at 1056 (quoting *Johnson v. Clifford*, 2018 WY 59, ¶ 12, 418 P.3d 819, 823 (Wyo. 2018); citing *Martin*, ¶ 22, 429 P.3d at 64). "While we have recognized that a child is almost always harmed when [she] is taken from the parent who had been the primary nurturer[.]" we have also confirmed that "primary caregiver status is not determinative; it is one of many factors considered in determining the child's best interests." *Kelly v. Kelly*, 2023 WY 48, ¶ 15, 529 P.3d 494, 499 (Wyo. 2023) (internal quotation marks omitted). "Under the unique facts of a case, other factors may outweigh a party's primary caregiver status." *Id.* (quoting *Gardels*, ¶ 25, 522 P.3d at 1056).

[¶25] Several of Mother's arguments misstate the record. Others rest on her own version of events, which is contrary to our standard of review. *See Callaway*, ¶ 28, 587 P.3d at 511 ("We consider the evidence presented in the light most favorable to the prevailing party and omitting from our consideration the conflicting evidence." (quoting *Smith*, ¶ 13, 580 P.3d at 511)). Mother did not refuse Father visitation altogether but did deny him visitation in Big Sky until his attorney became involved. Father did not seek visitation only when it was convenient for him. He has spent one week a month with RAS since she was six weeks old. Mother did more than leave Father off the preschool emergency contact list. She admitted at trial she also did not list him as RAS's father. She may not have barred him from calling the school or getting records, but by omitting him as RAS's father, she made it far harder. Father did not wait five years to seek custody. He filed his petition in July 2024, when RAS was three years old. The district court did not penalize Mother for being a single working parent. It considered her work schedule and Father's job under the second best-interests factor—"the ability of each parent to provide adequate care for each child throughout each period of responsibility, including arranging for each child's care by others as needed." Wyo. Stat. Ann. § 20-2-201(a)(ii). It found Mother's work schedule and the location of her job left RAS in Mr. Clark's care for two weeks of the month. Given his criminal history,

unemployment, and continued drinking, the court had concrete safety concerns if an emergency occurred while Mother was working. Mother also faults the court for not considering RAS's established routines and attachments, but the record is silent on both.

[¶26] On the evidence as it actually stands, viewed in the light most favorable to the district court's decision, there is little difficulty concluding the district court did not abuse its discretion when it gave "little weight" to Mother's status as RAS's primary caregiver. The evidence supports the finding that Mother provided RAS's day-to-day care but kept Father from filling that same role. The district court recognized that we have said a change in a child's primary caregiver almost always harms the child. *Kelly*, ¶ 15, 529 P.3d at 499. But, given the circumstances of the case, it found that a change in RAS's primary caregiver from Mother to Father would not result in instability or insecurity for RAS. This finding is supported by the record. The evidence showed that RAS had a strong bond with both parents, but there was no evidence that RAS was more attached to Mother than Father. While RAS had primarily lived with Mother, she spent the first six weeks of her life with Father and visited with him at least one week per month thereafter. We find no abuse of discretion.

II. Did the district court abuse its discretion by improperly minimizing the importance of preserving RAS's relationship with her half brother and by failing to articulate a reasoned explanation for separating them?

[¶27] On the separation of siblings factor, the court found the bond between RAS and KF was significant. Even so, that bond had to "be balanced against the father-child relationship [and] the need to ensure [RAS's] safety and well-being regarding the individuals [Mother] introduces into [RAS's] environment at this young age." The court found the balance tipped in favor of Father.

[¶28] Mother argues the district court abused its discretion by minimizing the importance of preserving RAS's relationship with KF. She contends that rather than meaningfully addressing the undisputed testimony that RAS has lived with KF all her life and that the two share a close bond, the district court dismissed these facts because they are half siblings, they will attend different schools, and custody and visitation decisions "may inevitably" interfere to some extent with sibling relationships. Mother also faults the district court for relying on speculative safety concerns related to Mr. Fuller. Mother acknowledges that Mr. Fuller was convicted of first-degree sexual assault and is a registered sex offender. She argues Mr. Fuller's offense involved an adult, that the conviction predates his relationship with Mother, and that he has not reoffended. She says that RAS has encountered Mr. Fuller only in passing because of his court-ordered visitation with KF, and RAS has never spent time alone with him. The district court stated Mr. Fuller's presence in RAS's life understandably concerned Father. Mother responds that Father was aware of who Mr. Fuller was and his status before she became pregnant with RAS yet did nothing about it for nearly five years. She argues this timing suggests Father

raised the issue for litigation, not out of any real, contemporaneous concern for RAS's welfare.

[¶29] “[W]e have consistently acknowledged a strong public policy in favor of preserving sibling relationships and ‘[k]eeping siblings together in the same household[.]’” [*Ianelli*,] ¶ 30, 444 P.3d at 69 (quoting *Paden v. Paden*, 2017 WY 118, ¶ 19, 403 P.3d 135, 141 (Wyo. 2017)). This policy is “equally applicable whether the children are full sibling, half sibling, or stepsiblings.” *Id.* (quoting *Aragon v. Aragon*, 2005 WY 5, ¶ 26, 104 P.3d 756, 764 (Wyo. 2005)). We have instructed district courts to “articulate the reasons supporting any decision to separate siblings to assure that a ‘comprehensive evaluation of all relevant factors occurred’ prior to the custody determination.” *Id.* (citation omitted).

Gutierrez, ¶ 24, 500 P.3d at 990. That said, separation of siblings “is just one of several factors the district court considers in the best interests analysis, and no single factor is determinative of the custody question.” *Gardels*, ¶ 23, 522 P.3d at 1056 (citing *Paden v. Paden*, 2017 WY 118, ¶ 19, 403 P.3d 135, 141 (Wyo. 2017)). When, as here, half siblings with different parents exist, “it is inevitable that custody or visitation arrangements will interfere, to some extent, with time the child subject to the order can spend with those siblings. This fact alone, does not necessarily [override] the interests of the subject child in having a relationship with both of her parents.” *Id.*

[¶30] Mother misstates the record. The district court did not minimize RAS's relationship with KF because they are half siblings or because they will soon attend separate schools. It simply noted those facts, along with their respective ages. Relying on this court's precedent, it treated sibling separation as one factor in the best interests analysis—one that must be balanced against the father-child relationship and RAS's safety. *See Gardels*, ¶ 23, 522 P.3d at 1056. It found the balance favored Father.

[¶31] Father did not know about Mr. Fuller's felony conviction and status as a registered sex offender before Mother became pregnant. The evidence showed Father did not learn about Mr. Fuller's criminal record until at least May 2023. There is no evidence that Father's concern was manufactured for this case. The court's concern that Mother brought Mr. Clark and Mr. Fuller into RAS's life when she was very young is supported by the record and is not speculative.

[¶32] Mother also contends the district court failed to articulate a reasoned explanation to support separating RAS from KF, as required by *Ianelli*, ¶ 30, 444 P.3d at 69. In *Ianelli*, the district court failed to address sibling separation, even though the parties explicitly raised the issue. *Id.* ¶ 31, 444 P.3d at 69. Unlike *Ianelli*, the court analyzed the sibling

relationship and explained its reasoning: it found the sibling bond did not outweigh the father-child relationship and the safety findings discussed above.

[¶33] The district court did not abuse its discretion. It addressed sibling separation in balancing the statutory factors, recognized the bond between RAS and KF, and explained why that bond did not control.

III. Did the district court clearly err when it failed to evenly weigh the parties' credibility?

[¶34] On credibility, the court weighed Mother's violation of the sequestration order, and her redaction of Mr. Clark's driver's license, against her. It considered Father's testimony about alcohol monitoring and found no credible evidence he continues to use alcohol.

[¶35] Mother acknowledges credibility determinations are committed to the district court's discretion and asserts she is not asking us to reweigh credibility, make new factual findings, or substitute our judgment regarding witness credibility. She contends the district court weighed the parties' credibility unevenly. According to her, that imbalance skewed the court's best-interest balance; led the court to discount her primary caregiver status, elevate the safety concerns, and excuse Father's lack of involvement; and undermined the court's ultimate custody determination. In her view, the court weighed credibility against her based on her violation of the sequestration order and questioned her judgment and parenting based on the criminal histories of Mr. Clark and Mr. Fuller but never addressed Father's credibility with respect to his alcohol use. She maintains that on cross-examination, Father denied he had been subject to alcohol monitoring during his anesthesiology residency but then admitted it on rebuttal. She also points out that she admitted to violating the sequestration order, while Father tried to cover up his inconsistent testimony by claiming he misheard the question. Mother points to the angry voicemails Father left her and claims he was likely intoxicated when they were made. Even so, she says the district court minimized his alcohol use by stating "the Court understands that at one point early in his career [Father] may have struggled with alcohol use."

[¶36] We see no clear error in the district court's credibility findings. Mother admitted she violated the court's sequestration order by discussing the trial proceedings with Mr. Clark, a potential witness. The court explicitly informed Mother that this violation would weigh into its assessment of credibility. Mother also admitted that she redacted Mr. Clark's driver's license before providing it to Father in discovery in order to protect Mr. Clark. The district court was reasonably suspect of these actions as Mr. Clark had lived in Wyoming for years yet did not have a Wyoming driver's license. Given his DUI convictions, the court found it highly likely he would have a restricted license and, by statute, would be required to have an interlock device on his vehicle. Because his driver's license was issued by Colorado, it is unclear what conditions Wyoming would place on him if he were to apply for a Wyoming license. The district court reasonably weighed

Mother's redaction of Mr. Clark's license and her violation of the sequestration order against her in assessing credibility.

[¶37] On the question of Father's alcohol use, Father was cross-examined about his decision not to pursue anesthesiology. Mother's attorney then asked him, "You were not on monitoring?" He answered, "No." Her attorney then asked, "For alcohol?" and he again responded, "No." Later, Mother testified Father told her that he was subject to monitoring because he "tried to kill himself, and he had to blow into a machine to make sure that he wasn't drinking." During rebuttal, Father attested that the cross-examination question was not whether he was subject to monitoring but was instead whether there were any stipulations on his medical license. He then admitted he was subject to monitoring during his anesthesiology residency because he was depressed and standard monitoring included drug and alcohol testing. Mother claims Father was trying to cover up his false testimony. The district court considered Father's rebuttal testimony and referred to it in analyzing RAS's best interests. The court found Father had been subject to monitoring and "at one point early in his career . . . may have struggled with alcohol use." It determined, however, that there was no credible evidence he continues to use alcohol. That finding is supported by the testimony. One of Father's witnesses testified that in the almost eight years she has known him, she has never seen him drink alcohol or appear intoxicated. Father also testified he does not drink alcohol. While Mother claimed Father was likely drunk when he left her the angry voicemails following RAS's dental surgery because he slurred his words, Father testified he was not drunk but upset. The district court listened to those voicemails and apparently did not adopt Mother's conclusion. We are not at liberty to second-guess that credibility determination in the absence of any evidence that a mistake was made. *See Soames*, ¶ 16, 512 P.3d at 632 (credibility findings are reviewed for clear error, which "occurs when, after reviewing the entire evidence, we are 'left with the definite and firm conviction that a mistake has been committed'" (quoting *Fuger*, ¶ 8, 478 P.3d at 181)).

[¶38] Mother's claim that the district court "unevenly" weighed the parties' credibility starts from the wrong premise. The district court is entitled to weigh credibility and, if appropriate, to credit one parent over the other. Credibility determinations are reviewed for clear error. We find no clear error.

CONCLUSION

[¶39] The district court did not abuse its discretion by giving little weight to Mother's primary caregiver status, or in weighing and explaining the separation of RAS and KF. Its credibility findings are supported by the record and are not clearly erroneous. We affirm the award of primary physical custody of RAS to Father.