

COURT OF APPEALS OF ARKANSAS, DIVISION I

Nicole Wauchope v. Khristopher Moore

2026 Ark. App. 202 · No. CV-25-438 · Decided April 1, 2026

SUMMARY

The Arkansas Court of Appeals affirmed the denial of Nicole Wauchope’s petition to modify custody of the parties’ child. The court held that the circuit court did not clearly err in finding no material change in circumstances, despite concerns regarding communication, education, medical information, and supervision. Because the threshold requirement for modification was not met, the court did not reach the best-interest analysis.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division I
WRITING FOR THE COURT	Brandon J. Harrison; Tucker, J.; Wood, J.
JURISDICTION	Arkansas Court of Appeals, Division I
DECIDED	April 1, 2026
DOCKET	CV-25-438
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Washington County Circuit Court denying a petition to modify child custody.
STANDARD OF REVIEW	Child-custody matters are reviewed de novo, but the circuit court's findings are not reversed unless clearly erroneous. Greater deference is given to the circuit court because it directly observes the witnesses and evaluates credibility and the child's best interests.
PRECEDENTIAL VALUE	Published Arkansas Court of Appeals opinion
PARTIES	Nicole Wauchope v. Khristopher Moore

TOPICS

- child custody
- family law procedure
- standard of review
- appellate procedure

PRACTICE AREAS

- family law
- child custody
- appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court clearly erred in finding that Wauchope failed to prove a material change in circumstances warranting modification of custody.
2. Whether the circuit court should have determined that awarding primary custody to Wauchope was in MC's best interest.

HOLDINGS

1. The circuit court did not clearly err in finding that no material change in circumstances had occurred. The evidence concerning Moore's communication, MC's education and absences, hostile communications, supervision, and related allegations did not require a disruption of the stability and continuity of MC's life.
2. The court did not reach the best-interest issue because the threshold requirement of a material change in circumstances was not satisfied.

KEY QUOTATIONS

“Given our standard of review and the special deference we give circuit courts in child-custody cases, we hold that the circuit court did not clearly err in finding that no material change in circumstances had occurred.” (11)

“Here, because the court found there had not been a material change in circumstances, there was no need to reach the best-interest analysis. Likewise, this court need not address the issue of best interest.” (11)

FACTUAL BACKGROUND

The parties divorced in 2016, and their custody agreement awarded Moore primary physical and legal custody of their child, MC. In 2024, Wauchope sought a custody modification based on MC's age and stated preference, school performance and absences, Moore's alleged failure to share medical and educational information, hostile communications, and periods when Moore was away for work. Following a hearing, the circuit court found that these circumstances did not constitute a material change sufficient to disrupt MC's established life with Moore.

PROCEDURAL HISTORY

The parties' 2016 divorce decree incorporated a custody agreement awarding Moore custody of the parties' child. Wauchope petitioned in 2024 to modify custody, alleging a substantial and material change in circumstances. After mediation and a January 2025 hearing, the circuit court found no material change in circumstances and denied modification. The Arkansas Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Hamerlinck v. Hamerlinck, 2022 Ark. App. 89, 641 S.W.3d 659

- Fudge v. Dorman, 2017 Ark. App. 181, 516 S.W.3d 306
- Geren Williams v. Geren, 2015 Ark. App. 197, 458 S.W.3d 759
- Wallis v. Holsing, 2023 Ark. App. 137, 661 S.W.3d 284
- Graf v. Graf, 2024 Ark. App. 212, 686 S.W.3d 912
- Fry v. Laire, 2025 Ark. App. 470, 721 S.W.3d 836
- Montez v. Montez, 2017 Ark. App. 220, 518 S.W.3d 751
- Shannon v. McJunkins, 2010 Ark. App. 440, 376 S.W.3d 489
- Davis v. Vondran, 2025 Ark. App. 142
- Davis v. Sheriff, 2009 Ark. App. 347, 308 S.W.3d 169
- Shell v. Twitty, 2020 Ark. App. 459, 608 S.W.3d 926

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