

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO J. W. S.

No. 43120

JACQUELINE C. S.,

Appellant,

vs.

WILLIAM S. AND ELIZABETH S.,

Respondents.

FILED

JUN 28 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CLERK DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order terminating appellant's parental rights. Third Judicial District Court, Lyon County; Robert E. Estes, Judge.

In order to terminate a parent's parental rights, NRS 128.105 requires that a district court find that the termination of parental rights is in the child's best interest and that at least one factor delineated in the termination statute establishes parental fault. A petitioner has the burden to prove by clear and convincing evidence that termination is in the child's best interest and that parental fault exists.¹ If substantial evidence in the record supports the district court's determination that clear and convincing evidence warrants termination, this court will uphold the termination order.²


¹See Matter of Parental Rights as to N.J., 116 Nev. 790, 8 P.3d 126 (2000); NRS 128.105.


²Matter of Parental Rights as to Carron, 114 Nev. 370, 374, 956 P.2d 785, 787 (1998), overruled on other grounds by Matter of N.J., 116 Nev. 790, 8 P.3d 126.


In the present case, the district court determined that it is in the child's best interest that appellant's parental rights be terminated. The district court also found by clear and convincing evidence parental fault on the basis of neglect. Under NRS 128.105(2)(b), parental rights may be terminated for "[n]eglect of the child." NRS 128.014(2) defines "[n]eglected child" as a child "[w]hose parent, guardian or custodian neglects or refuses to provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health, morals or well-being." Here, the district court determined that appellant had failed to provide subsistence or care of any kind for the child since the child's birth.

Having reviewed the record, we conclude that the district court's decision is supported by substantial evidence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

³Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant. We note that appellant's failure to pay the supreme court filing fee could constitute a basis for dismissing this appeal.

cc: Hon. Robert E. Estes, District Judge
Wayne A. Pederson
Jacqueline C. S.
Lyon County Clerk