

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO K. W.

No. 43687

JERRY W.,  
Appellant,

vs.

THE STATE OF NEVADA DIVISION  
OF CHILD AND FAMILY SERVICES,  
DEPARTMENT OF HUMAN  
RESOURCES,  
Respondent.

FILED

APR 25 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order terminating appellant's parental rights. Eighth Judicial District Court, Family Court Division, Clark County; Gerald W. Hardcastle, Judge.

In order to terminate parental rights, a petitioner must prove by clear and convincing evidence that termination is in the child's best interests and that parental fault exists.<sup>1</sup> 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.<sup>2</sup> In the present case, the district court determined that

<sup>1</sup>See Matter of Parental Rights as to D.R.H., 120 Nev. \_\_\_, \_\_\_, 92 P.3d 1230, 1234 (2004); NRS 128.105.

<sup>2</sup>Matter of D.R.H., 120 Nev. at \_\_\_, 92 P.3d at 1234.

it is in the child's best interests that appellant's parental rights be terminated. The district court also found by clear and convincing evidence appellant's unfitness and failure of parental adjustment.<sup>3</sup>

As for unfitness,<sup>4</sup> a parent is unfit when by his or her own fault, habit, or conduct toward the child, the parent fails to provide the child with proper care, guidance, and support.<sup>5</sup> Failure of parental adjustment<sup>6</sup> occurs when a parent is unable or unwilling, within a reasonable time, to correct the conduct that led to the child being placed outside the home.<sup>7</sup> Evidence of failure of parental adjustment is established by the parent's failure to comply with the case plan to reunite the family within six months after the child has been placed outside the home.<sup>8</sup>

We have considered the parties' briefs and reviewed the record and conclude that substantial evidence supports the district court's

---

<sup>3</sup>Appellant contends that the district court concluded that parental fault was also established by only token effort. Our review of the district court order fails to show that the district court made such a finding.

<sup>4</sup>NRS 128.105(2)(c).

<sup>5</sup>NRS 128.018.

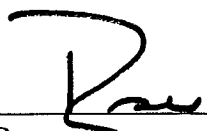
<sup>6</sup>NRS 128.105(2)(d).

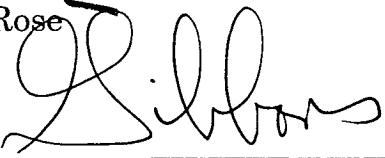
<sup>7</sup>NRS 128.0126.

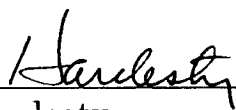
<sup>8</sup>NRS 128.109(1)(b).

determination that respondent established by clear and convincing evidence that that termination was warranted. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division  
Christopher R. Tilman  
Attorney General Brian Sandoval/Las Vegas  
Clark County Clerk