

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 43849

AUDREY J. E.,
Appellant,

vs.

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

FILED

FEB 04 2005

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

ORDER OF AFFIRMANCE

This is a proper person 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 best interest of the child 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 In the present case, the district court determined that

¹See Matter of Parental Rights as to D.R.H., 120 Nev. ___, ___, 92 P.3d 1230, 1234 (2004); NRS 128.105.

²Matter of D.R.H., 120 Nev. at ___, 92 P.3d at 1234.

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 unfitness and failure of parental adjustment.

As for the child's best interest, the district court noted that the child has been integrated into the foster family with whom she lives and the foster parents have expressed a desire to adopt her. Additionally, since the child has been with the foster family, she has calmed down and is less aggressive and disruptive. The court concluded that the foster family provides the child with needed stability and care.

With respect to parental fault, 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.³ Failure of parental adjustment occurs when a parent is unable, within a reasonable time, to correct the conduct that led to the child being placed outside the home.⁴ Here, the district court found that appellant lacked fundamental decision-making abilities regarding parenting and the child. Moreover, the court concluded that while appellant complied with most of her case plan, the focus of the plan was to address the deficiencies in the home regarding cleanliness and safety. The court found that the home's conditions continued to exist despite the assistance appellant received to overcome the problems.

³NRS 128.105(2)(c); NRS 128.018.

⁴NRS 128.0126.

Having reviewed the record, we conclude that substantial evidence supports the district court's conclusion that termination is warranted. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Becker, C. J.
Becker

Rose, J.
Rose

Hardesty, J.
Hardesty

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Attorney General Brian Sandoval/Las Vegas
Audrey J. E.
Clark County Clerk