

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHI PASSARELLI,
Appellant,
vs.
ARTHUR PASSARELLI,
Respondent.

No. 44589

FILED

FEB 13 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order dismissing a complaint seeking child support under the equitable adoption doctrine. Eighth Judicial District Court, Family Court Division, Clark County; Cynthia Dianne Steel, Judge.

Relying on the doctrine of equitable adoption, appellant Chi Passarelli sought child support for her two daughters from respondent Arthur Passarelli. Although Arthur provided substantial financial support to Chi and her two children during a lengthy relationship, the parties never married and neither child is Arthur's biological child.

The doctrine of equitable adoption may be used to impose a duty to pay child support in a divorce action where termination of the child's natural father's parental rights have been sought and effectuated, and the petition for adoption has been signed but not finalized.¹ However, one who stands in the place of a parent, without more, may abandon that status at will.²

¹ Frye v. Frye, 103 Nev. 301, 738 P.2d 505 (1987).

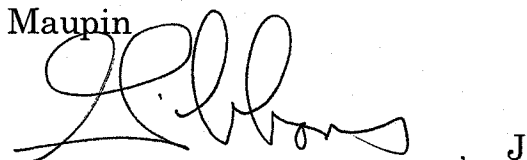
² Sargeant v. Sargeant, 88 Nev. 223, 230, 495 P.2d 618, 623 (1972).

We see no public policy reason to extend the application of the doctrine of equitable adoption beyond the scope of the rule announced in Frye v. Frye.³ The district court correctly found that Chi's complaint failed to set forth sufficient allegations for a cause of action and entitlement for relief.⁴

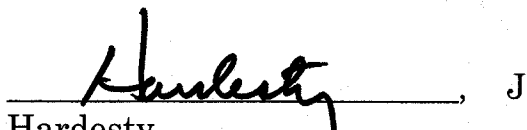
Therefore, we ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division
Gayle F. Nathan
Law Office of Ellen J. Bezian
Clark County Clerk

³Frye, 103 Nev. at 301, 738 P.2d at 505.

⁴NRCP 12(b)(5); Merluzzi v. Larson, 96 Nev. 409, 411, 610 P.2d 739, 741 (1980) (overruled on other grounds by Smith v. Cough, 106 Nev. 568, 706 P.2d 592 (1990)).