

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO A.R.

No. 47537

CAMILLE R.,
Appellant,
vs.
CLARK COUNTY DEPARTMENT OF
FAMILY SERVICES,
Respondent.

FILED

OCT 18 2006

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 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

In the present case, the district court determined that it is in the child's best interest that appellant's parental rights be terminated.

¹See Matter of Parental Rights as to D.R.H., 120 Nev. 422, 428, 92 P.3d 1230, 1234 (2004); NRS 128.105.

²Matter of D.R.H., 120 Nev. at 428, 92 P.3d at 1234.

The district court also found by clear and convincing evidence appellant's failure of parental adjustment and only token efforts.

"Failure of parental adjustment" occurs when a parent fails, within a reasonable time, to substantially correct the circumstances that led to removal of the child from the home, notwithstanding appropriate efforts made by the State or agency to return the child.³ 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 case plan was devised.⁴

Under NRS 128.105(2)(f), parental fault may be established based on only token efforts. It is presumed that the parent has made only token efforts to care for the child, and termination is in the child's best interest, if the child has resided outside the home, after being placed in protective custody, for 14 months of any 20 consecutive months.⁵

Here, the district court found that appellant did not comply with her case plan, that she denies most of her drug problems and instability, and that she failed to maintain reasonable contact with the child. Moreover, the child has lived outside the home since October 2004.

We have considered appellant's case appeal statement and reviewed the record, and we conclude that substantial evidence supports the district court's determination that respondent established by clear and

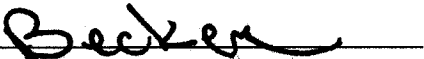
³NRS 128.0126.

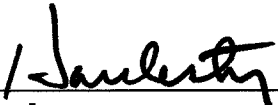
⁴NRS 128.109(1)(b).

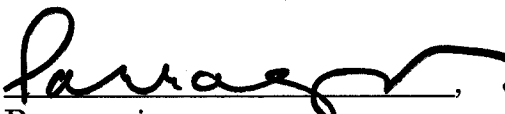
⁵NRS 128.109(1)(a).

convincing evidence that termination of appellant's parental rights was warranted. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁶


Becker, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Camille R.
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger/Civil Division
Clark County Clerk

⁶Appellant has failed to pay the filing fee required by NRS 2.250(1)(a) and NRAP 3(f). We note that failure to pay the filing fee could constitute a basis for dismissing this appeal.