IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL RIGHTS AS TO D.E.N, S.K.N., AND C.L.N. DAVID E. N., AND JOLEEN N., A/K/A JOLEEN C., Appellants, vs. STATE OF NEVADA DEPARTMENT OF FAMILY SERVICES, Respondent.	No. 47729 **FILED** JUL 10 2008 TRACIE K. LINDEMAN CLERK OF SUPREME COURT BY S. Young DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an amended district court order terminating appellants' parental rights as to the minor children. 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] This court will uphold a district court's termination order if substantial evidence supports the decision.[2] In the present case, the district court determined that it is in the children's best interests that appellants' parental rights be terminated. The district

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

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

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court also found, by clear and convincing evidence, parental fault on the grounds of failure of parental adjustment and only token efforts.[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] NRS 128.109(1)(b) establishes a presumption of failure of parental adjustment if a child is removed from parental custody and the parents fail to substantially comply with a reunification plan within six months after the child is placed or the plan is commenced, whichever occurs later. Here, respondent, the Department of Family Services, filed a reunification plan on August 18, 2004. The parental termination hearing occurred approximately 19 months after the plan was filed. Thus, NRS 128.109(1)(b)'s presumption applies. Ultimately, the district court found by clear and convincing evidence that while appellants had ample time to address their substance abuse, housing, and employment issues to comply with the reunification plan provided by respondent, appellants failed to substantially comply with their case plans.

With respect to token efforts, under NRS 128.105(2)(f), parental fault may be established when a parent engages in only token efforts to prevent neglect of the child. Moreover, if a child has lived

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[3]The district court's amended order also expressly found abandonment as a parental fault, but the court did not expand on this finding. Nevertheless, under NRS 128.105(2), the district court need only find one parental fault factor in order to support its determination that termination is warranted.

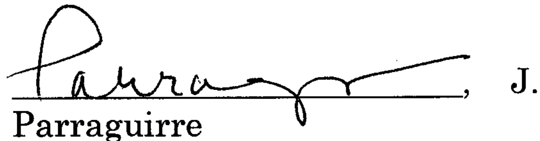
[4]NRS 128.0126.

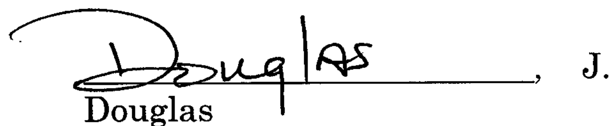
outside the family home for 14 months of any 20 consecutive months, it is presumed that the parents have made only token efforts to care for the child and that termination is in the child's best interest.[5] Here, the district court found that appellants had neglected the children and that the children lived outside the home for approximately 22 months before the hearing on the petition to terminate appellants' parental rights was conducted. The district court concluded that the appellants did not overcome the statutory presumption as to token efforts.

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.[6]

_______________, J.
Hardesty


_______________, J.
Parraguirre


_______________, J.
Douglas

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[5]NRS 128.109(1)(a) and (2).

[6]As transcripts are not necessary for resolving this appeal, we deny David N.'s April 21, 2008, transcript request. Also, in light of this order, we deny as moot respondent's April 21, 2008, motion to dismiss or review transcripts, or in the alternative for the appointment of counsel.

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
David E. N.
Joleen N.
Clark County District Attorney David J. Roger/Civil Division
Eighth District Court Clerk