

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO BABY BOY H.

No. 48746

ANTHONY F.,  
Appellant,

vs.

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

**FILED**

APR 09 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  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.<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>

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

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

In the present case, the district court determined that it is in the child's best interest that appellant's parental rights be terminated. The district court further found by clear and convincing evidence that appellant had abandoned the child.<sup>3</sup> Specifically, appellant's name does not appear on the child's birth certificate, and throughout the proceedings appellant refused to establish paternity.<sup>4</sup>

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.

Parraguirre, J.  
Parraguirre

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

---

<sup>3</sup>See NRS 128.105(2)(a); NRS 128.012.

<sup>4</sup>See NRS 128.095 (providing that "[i]f the putative father of a child fails to acknowledge the child or petition to have his parental rights established in a court of competent jurisdiction before a hearing on a petition to terminate his parental rights, he is presumed to have intended to abandon the child").

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division  
Anthony F.  
Attorney General Catherine Cortez Masto/Las Vegas  
Eighth District Court Clerk