

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: J. H. G., A
MINOR,

No. 51949

KIMBERLY S. G.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

FILED

NOV 19 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order terminating appellant's parental rights as to the minor child. Eighth Judicial District Court, Family Court Division, Clark County; Cynthia Dianne Steel, 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 Here, the district court found that termination of appellant's parental rights was in the child's best interest. The district court also found parental fault by clear and convincing evidence, in that appellant failed to make parental adjustments.

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.

On appeal, appellant contends that substantial evidence does not support the district court's termination order. Appellant maintains that she has completed her case plan, which required her to obtain suitable housing and employment and to maintain a drug-free lifestyle for one year. According to appellant, her parental rights were terminated because she did not address mental health issues. She contends, however, that she addressed certain of those issues by staying at a mental health hospital for one month and through medication.

When determining whether a parent has failed to make parental adjustments,³ the court evaluates whether the parent is unable or unwilling, within a reasonable time, to substantially correct the conduct that led to the child being placed outside of the home.⁴ A parent's failure to adjust can be evidenced by the parent's failure to substantially comply with the case plan to reunite the family within six months after the child has been placed outside of the home.⁵ Further, if a child has been in foster care for 14 of any 20 consecutive months, it is presumed that the parent has made only token efforts to care for the child and that termination is in the child's best interest.⁶ Once the presumption that termination of the

³NRS 128.105(2)(d).

⁴NRS 128.0126.

⁵NRS 128.109(1)(b).

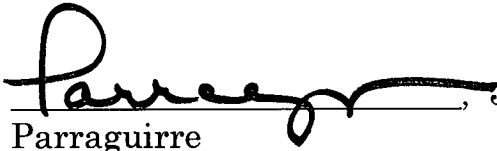
⁶NRS 128.109(1)(a) and (2).

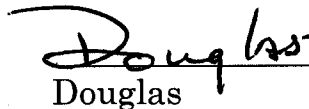
parent's rights is in the child's best interest arises, the parent has the burden to present evidence to overcome that presumption.⁷

Having considered appellant's proper person appeal statement in light of the record, we conclude that substantial evidence supports the district court's order terminating appellant's parental rights. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division
Kimberly S. G.
Clark County District Attorney David J. Roger/Juvenile Division
Eighth District Court Clerk

⁷Matter of Parental Rights as to A.J.G., 122 Nev. 1418, 1426, 148 P.3d 759, 764 (2006).