

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO G.A.H., A MINOR,

No. 52544

ALAN H. A/K/A AL H., JR. A/K/A ALVIN  
H. A/K/A ALTRON H.,

Appellant,

vs.

THE STATE OF NEVADA; AND G.A.H.,  
A MINOR,  
Respondents.

**FILED**

APR 08 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
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; Steven E. Jones, Judge.

The district court determined that termination of appellant's parental rights was in the child's best interest and found that (1) appellant had failed to substantially remedy the conditions that led to the child's removal from the home within a reasonable time, (2) appellant is an unsuitable parent based on his failure to make parental adjustment, and (3) appellant made only token efforts to support or communicate with his child. Based on these findings, the district court terminated appellant's parental rights. Appellant has appealed, contending that the district court failed to consider his evidence that would allegedly refute the district court's findings.

“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. Matter of Parental Rights as to D.R.H., 120 Nev. 422, 428, 92 P.3d 1230, 1234 (2004); NRS 128.105. This court will uphold a district court’s termination order if substantial evidence supports the decision. D.R.H., 120 Nev. at 428, 92 P.3d at 1234.

When determining whether a parent has failed to make parental adjustments under NRS 128.105(2)(d), the court evaluates whether the parent is unwilling or unable within a reasonable time to substantially correct the conduct that led to the child being placed outside of the home. NRS 128.0126. A parent’s failure to adjust may 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. NRS 128.109(1)(b). Parental fault may also be established when a parent makes only token efforts to support or communicate with the child. NRS 128.105(2)(f)(1).

Having considered appellant’s arguments in light of the appellate record, we conclude that substantial evidence supports the district court’s order terminating appellant’s parental rights. In particular, the record indicates that appellant did not demonstrate that he made parental adjustments within a reasonable time because he failed to substantially comply with the case plan to be reunited with his child within six months after his child was placed outside of the home. And appellant made only token efforts to support or communicate with his

child. Accordingly, as substantial evidence supports the district court's order terminating appellant's parental rights, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Steven E. Jones, District Judge, Family Court Division  
Alan H.  
Clark County District Attorney David J. Roger/Juvenile Division  
Legal Aid Center of Southern Nevada  
Eighth District Court Clerk

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<sup>1</sup>We note that appellant has failed to pay the filing fee required by NRS 2.250(1)(a). See NRAP 3(f). Although appellant's failure to pay the filing fee or comply with NRAP 24(a) constitutes an independent basis for dismissal, we have nonetheless considered the merits of this appeal.

Further, in light of this order, we deny as moot appellant's request for transcripts.