

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS OF S.L.H.,

No. 52825

ROGER W. H.,  
Appellant,

vs.

KARRIE E.; GRACE M. E.; AND  
RODNEY E.,  
Respondents.

**FILED**

JUN 04 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 denying appellant's motion to set aside a final order terminating his parental rights. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

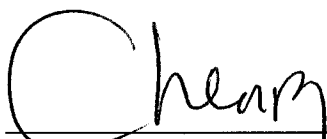
Appellant's parental rights as to a minor child were terminated by the district court's August 19, 2002, final order, which was affirmed by this court on April 9, 2003.<sup>1</sup> On August 22, 2008, appellant filed a motion in district court seeking to vacate the order terminating his parental rights. The district court denied the motion, and this appeal followed.

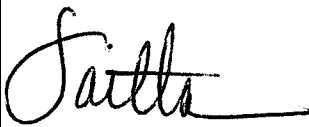
We review the denial of an NRCP 60(b) motion for an abuse of discretion. Cook v. Cook, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996). Having reviewed appellant's proper person appeal statement and the record on appeal, we conclude that the district court did not abuse its discretion in denying appellant's motion. First, any modification of


<sup>1</sup>See In re: Parental Rights as to S.L.H., Docket No. 40529 (Order of Affirmance, April 9, 2003).

appellant's criminal sentence is irrelevant, as the district court and this court considered the nature of the crime for which appellant was convicted, not his sentence, in evaluating whether parental fault had been established. Second, the state's and county's correspondence concerning their efforts to collect past due child support specifically states that the agencies involved seek to recover support only for the time before appellant's parental rights were terminated; therefore, these efforts do not affect the validity of the termination order. Finally, the district court did not abuse its discretion in determining that appellant had not established grounds under NRCP 60(b) to set aside the termination order, particularly when the motion was filed five years after the order was entered. See NRCP 60(b) (requiring that motions under this rule be made "within a reasonable time," usually within six months). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
Cherry, J.  
Cherry

  
Saitta, J.  
Saitta

  
Gibbons, J.  
Gibbons

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<sup>2</sup>We have considered appellant's March 27, 2009, document entitled "Information from Washoe Legal Services" in resolving this appeal. We have also reviewed appellant's March 11, 2009, letter concerning his ability to serve documents upon respondents, and we conclude that no further action concerning service is required, as this appeal is now resolved. Accordingly, to the extent that any relief is requested in that document, it is denied.

cc: Hon. David A. Hardy, District Judge  
Roger W. H.  
Grace M. E.  
Karrie E.  
Rodney E.  
Washoe District Court Clerk