

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 53631

RANDALL O.,
Appellant,
vs.
SHERYN A.,
Respondent.

FILED

JUL 24 2009

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion for change of venue. Fifth Judicial District Court, Esmeralda County; John P. Davis, Judge.

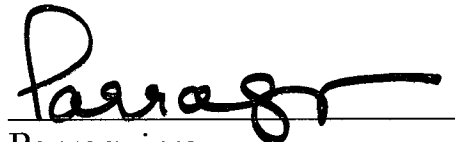
In December 2008, respondent filed a petition to terminate appellant's parental rights as to the parties' minor child. Respondent's petition alleges that appellant (1) pleaded guilty to two counts of felony child abuse against the child's half-brother, (2) the half-brother's abuse occurred in the child's presence, and (3) the child was abused by appellant. According to the petition, it appears that these incidents took place in Esmeralda County. Appellant filed a motion to dismiss the termination petition on the basis that Esmeralda County was the improper venue to adjudicate whether his parental rights should be terminated. The district court found that Esmeralda County is the proper venue and denied appellant's motion. This appeal followed.

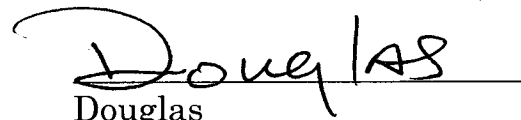
This court reviews a district court order denying a demand for a change of venue for manifest abuse of discretion. Nat'l Collegiate Athletic Ass'n v. Tarkanian, 113 Nev. 610, 613, 939 P.2d 1049, 1051

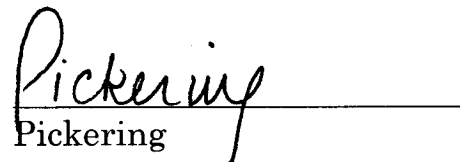
(1997). In parental rights termination cases, venue is controlled by NRS 128.030. That statute provides, in relevant part, that a petition seeking to terminate a parent's parental rights may be filed in the county where the alleged abuse occurred. NRS 128.030(2).

Having reviewed appellant's civil proper person appeal statement and the district court record, we conclude that the district court did not manifestly abuse its discretion by denying appellant's demand for a change of venue. In particular, the termination petition suggests that the child was purportedly abused in Esmeralda County. Thus, NRS 128.030(2)'s statutory requirement is satisfied and venue is proper in Esmeralda County. Accordingly, we affirm the district court's order.

It is so ORDERED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. John P. Davis, District Judge
Randall O.
Volunteer Attorneys for Rural Nevadans
Esmeralda County Clerk