IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL RIGHTS AS TO M.S.G.,

KIMBERLY G.,
Appellant,
vs.
SCOTT D. AND ROBIN D.,
Respondents.

No. 55543

FILED

NOV 10 2010

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; Steven E. Jones, 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. Matter of Parental Rights as to D.R.H., 120 Nev. 422, 428, 92 P.3d 1230, 1234 (2004); NRS 128.105. Here, the district court determined that termination was in the child's best interest and found two grounds of parental fault: failure to make parental adjustments and only token efforts to support or communicate with the child. This appeal followed.

As for best interest, "[t]he primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination." NRS 128.105. Here, the district court determined that it was in the child's best interest to terminate appellant's parental rights based on the child's current stable living circumstances, the child's strong bond with her guardian family,

and appellant's minimal efforts to communicate with or provide support for the child. The court noted that the child essentially had been integrated into the guardian family and that the family had expressed the desire to adopt the child.

Regarding parental fault, the district court found that appellant failed to make the parental adjustments necessary for the return of her child because she was unwilling or unable within a reasonable time to substantially correct the circumstances, conduct, or conditions that led to the child being placed outside of the home. NRS 128.0126 (outlining failure to make parental adjustments considerations). Additionally, in support of its token-efforts finding, the court reasoned that appellant only made minimal efforts to communicate with or support the child. NRS 128.105(2)(f) (outlining token efforts considerations).

In reaching its conclusions, the district court considered, in addition to the parties' pleadings, the testimony and documentary evidence that was submitted at the termination hearing. Although the hearing transcript was not included in the record on appeal, it was appellant's responsibility to supply this court with the transcript, and in light of her failure to do so, we presume that the evidence in the transcript supports the district court's decision.[1] See Cuzze v. Univ. & Cmty. Coll.

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[1]We find no merit to appellant's claim that the district court failed to consider the child's relationship with her siblings when determining the best interest of the child. The district court's order terminating appellant's parental rights indicates that the court considered the child's relationship with her brother, who also lives with the child in the guardian family's home. Although the termination order did not mention the child's relationship with her two other siblings, we presume that the hearing transcript indicates that the district court considered the child's

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Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). Having reviewed the record, appellant's civil proper person appeal statement, and respondents' response, we conclude that substantial evidence supports the district court's order terminating appellant's parental rights.[2] Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, J.
Hardesty

_____, J.
Douglas

_____, J.
Pickering

cc: Hon. Steven E. Jones, District Judge, Family Court Division
Kimberly G.
Frank J. Toti
Eighth District Court Clerk

. . . continued
relationship with each of her siblings. See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007).

[2]To the extent that appellant challenges the Department of Family Services' (DFS) authority to remove her child from her care, that claim is without merit. See NRS 432B.390(1)(a) (permitting the state to place the child in protective custody without parental consent). Additionally, to the extent that appellant asserts that DFS schemed with respondents to terminate her parental rights, we find nothing in the record to support such an allegation. Finally, with regard to appellant's challenge to respondents' authority to file a petition to terminate rights, Nevada law does not prohibit the guardian of a child from filing a petition to terminate parental rights as to that child.