

IN THE SUPREME COURT OF THE STATE OF NEVADA


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

No. 56315

CHRISTINE A.,
Appellant,
vs.
WASHOE COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Respondent.

FILED

FEB 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order terminating appellant's parental rights as to the minor child. Second Judicial District Court, Family Court Division, Washoe County; Deborah Schumacher, Judge.

After the parties stipulated that parental fault existed, the district court determined that clear and convincing evidence demonstrated that terminating appellant's parental rights was in the child's best interest. Matter of Parental Rights as to D.R.H., 120 Nev. 422, 428, 92 P.3d 1230, 1234 (2004); NRS 128.105. Appellant has appealed, contending that respondent Washoe County Department of Social Services failed to prove the child's best interest was served by terminating parental rights. Having considered appellant's contentions in light of the record and the parties' appellate briefs, we conclude that substantial evidence supports the district court's order terminating appellant's parental rights. D.R.H., 120 Nev. at 428, 92 P.3d at 1234.


When a child has resided outside of the home for 14 of any 20 consecutive months, it is presumed that terminating parental rights is in the child's best interest. NRS 128.109(2). In this case, the child had resided outside the home for 36 consecutive months at the time of the district court hearing; thus, the district court properly applied the statutory presumption. The court then found that appellant failed to rebut that presumption, see id., considering appellant's long history of drug abuse and repeated relapses. The district court's finding that, despite appellant's recent and laudable success battling addictions, employment, and ability to care for her four other children, the child's best interest was served by terminating appellant's parental rights is supported by substantial evidence. D.R.H., 120 Nev. at 433, 92 P.3d at 1237 (recognizing that when determining what is in the child's best interest, the relevant considerations include the child's continuing need for "proper physical, mental and emotional growth and development").

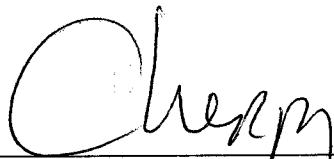
In instances when a child has been placed with a foster family for future adoption, the district court must look at certain specific considerations, including whether the child has become integrated into the foster family "to the extent that [the child's] familial identity is with that family," the length of time the child has lived in a stable foster home, and "[t]he permanence as a family unit of the foster family." See NRS 128.108(4) and (5). In this case, the court noted the foster family's commitment to the child and the foster parents' ability to provide for the child's needs. The court further found that the child had essentially been integrated into the foster family. Although the record indicates that appellant has consistently maintained visitation with the child, in determining whether the child's best interest would be served by


terminating appellant's parental rights, the district court properly compared the child's relationship with the foster family and with appellant and considered the child's continuing need for "proper physical, mental and emotional growth and development." NRS 128.005(2)(c).

Because substantial evidence supports the district court's findings regarding the child's best interest, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Pickering

cc: Hon. Deborah Schumacher, District Judge, Family Court Division
Richard F. Cornell
Washoe County District Attorney/Civil Division
Washoe District Court Clerk