

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO R.B.H., N/K/A R.B.B., A
MINOR CHILD.

No. 80147

FILE

NOV 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

RICHARD S.H.,
Appellant,
vs.
RICAMYR B.,
Respondent.

ORDER OF AFFIRMANCE

This is an appeal from a district court order terminating appellant's parental rights.¹ Eighth Judicial District Court, Clark County; Mathew Harter, Judge.

To terminate parental rights, the district court must find clear and convincing evidence that (1) at least one ground of parental fault exists, and (2) termination is in the child's best interest. NRS 128.105(1); *In re Termination of Parental Rights as to N.J.*, 116 Nev. 790, 800-01, 8 P.3d 126, 132-33 (2000). On appeal, this court reviews questions of law de novo and the district court's factual findings for substantial evidence. *In re Parental Rights as to A.L.*, 130 Nev. 914, 918, 337 P.3d 758, 761 (2014). Substantial evidence is that which "a reasonable person may accept as adequate" to support a conclusion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242

¹NRS 432B.5906 provides that an order terminating parental rights entered in an NRS 432B proceeding is appealable. Having considered the pro se brief filed by appellant, we conclude that a response is not necessary, NRAP 46A(c), and that oral argument is not warranted, NRAP 34(f)(3). This appeal therefore has been decided based on the pro se brief and the record. *Id.*

(2007). Here, the district court's order terminating appellant's parental rights was based on two grounds of parental fault: abandonment and token efforts. See NRS 128.105(1)(b)(1), (6) (providing for abandonment and token efforts as proper bases for terminating parental rights).

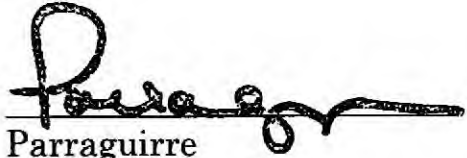
We conclude that substantial evidence supports the district court's determination that there was clear and convincing evidence to support token efforts as a ground of parental fault based on appellant's lack of child support payments. See NRS 128.105(1)(b)(6) (providing termination of parental rights may be appropriate if the parent only makes token efforts to support the child). Appellant conceded that he never paid child support as ordered by the district court in 2010. And, despite his contention that this order was improper, his appeal of it was dismissed such that it is still enforceable. In addition, appellant evaded questions about his finances and employment during cross-examination and failed to provide a financial disclosure statement. See NRS 47.250(3) (providing for a presumption "[t]hat evidence willfully suppressed would be adverse if produced").²

Substantial evidence also supports the district court's findings regarding the best interest of the child. Appellant did not present evidence refuting the district court's findings that respondent and her fiancé have established a stable environment, in which the child is currently thriving,


²We have considered appellant's arguments on this issue and conclude that they either lack merit or are not cogently argued. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (holding that this court need not consider claims not cogently argued or supported by relevant authority). And, because we conclude that substantial evidence supports the district court's findings regarding token efforts based on the lack of child support payments, we need not address the other ground of parental fault addressed by the district court.

as demonstrated by her status as an A/B honor roll student. Respondent also indicated that her fiancé is ready and willing to adopt the minor child. See NRS 128.005(c) ("The continuing needs of a child for proper physical, mental and emotional growth and development are the decisive considerations in proceedings for termination of parental rights."); NRS 128.107 (outlining factors to consider in determining whether parental rights should be terminated). Combined with appellant's failure to provide any child support for over ten years, we conclude that substantial evidence supports the district court's decision to terminate appellant's parental rights. We therefore

ORDER the judgment of the district court AFFIRMED.


Parraguirre, J.


Hardesty, J.


Cadish, J.

cc: Hon. Mathew Harter, District Judge
Richard S.H.
Ricamyr B.
Eighth District Court Clerk