

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO: R.J., A MINOR.

No. 88542

JASON V.,
Appellant,
vs.
DEPARTMENT OF FAMILY
SERVICES; AND R.J., A MINOR,
Respondents.

FILED

JUN 21 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a March 12, 2024, district court decision regarding the termination of parental rights. Eighth Judicial District Court, Family Division, Clark County; Robert Teuton, Judge.

Respondent Department of Family Services (DFS) has moved to dismiss the appeal for lack of jurisdiction, asserting that the appealed order anticipates further court action and thus does not finally resolve the case below, pointing out that the decision does not comply with NRS 128.110(1) (“[T]he court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement.”). Appellant opposes the motion, arguing that the order substantively resolves the matter because in it, the court made parental fault and best interest

findings. DFS has filed a reply, asserting additionally that even if the order is appealable, the appeal was untimely.

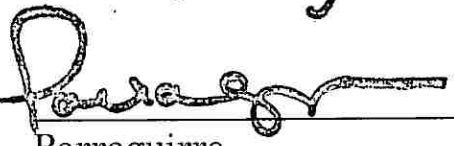
NRAP 3A(b)(1) allows for appeals from the final judgment, which is the judgment “that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs.” *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (internal quotation marks omitted). Moreover, NRS 432B.5906 provides for an appeal from an order granting or denying a motion to terminate parental rights in accordance with NRS Chapter 128. As DFS points out, the appealed order clearly does not finally resolve the matter because it does not terminate appellant’s parental rights under NRS 128.110(1), instead directing the Clark County District Attorney “to prepare an Order Terminating the Parental Rights of Elton L. and Jason V. consistent with the Decision for signature by the Court.” The district court thus anticipates considering a proposed order and taking further action in this matter; thus, the March 12 order is interlocutory and not appealable.

Appellant also argues that, if this appeal is dismissed for lack of jurisdiction, he will be left with no reasonable or timely way to challenge the termination, pointing out that it has been roughly 9 months since the evidentiary hearing. The district court is reminded that NRS 432B.5906 requires the court to “use its best efforts” to ensure the timely filing of a final written decision on a motion for termination of parental rights within 30 days of the evidentiary hearing. Nothing in this order deprives appellant of his right to appeal from the district court’s termination order once it is entered. In light of this order, we need not determine whether the appeal

was timely filed, although we note that no notice of entry appears to have been filed. Because we lack jurisdiction, we grant the motion to dismiss and
ORDER this appeal DISMISSED.


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. Robert Teuton, District Judge, Family Division
Ford & Friedman, LLC
Law Office of Alyssa Aklestad, LLC
Clark County District Attorney/Juvenile Division
Eighth District Court Clerk