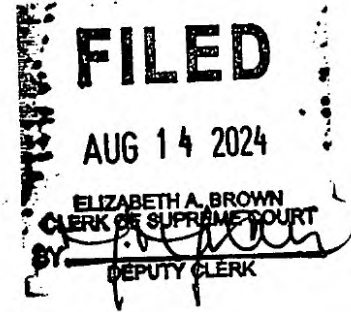


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO A.G.G., A MINOR.

No. 87576

SAMANTHA G.,
Appellant,
vs.
THE STATE OF NEVADA; CLARK
COUNTY DEPARTMENT OF FAMILY
SERVICES; AND A.G.G.,
Respondents.



ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order terminating appellant's parental rights to a minor child. Eighth Judicial District Court, Family Division, Clark County; Margaret E. Pickard, Judge.

Respondent Clark County Department of Family Services (DFS) first removed respondent A.G.G. from appellant Samantha G.'s custody because A.G.G. tested positive for methamphetamines, amphetamines, and methadone at birth. Thereafter, A.G.G. was returned to Samantha's care but was removed again three months later due to Samantha's continued substance use. A few days after A.G.G. was removed for the second time, Samantha was arrested and incarcerated for stabbing her husband. DFS placed A.G.G. with a foster family and adopted a case plan requiring Samantha to demonstrate an ability to provide for A.G.G.'s basic needs and to address Samantha's mental health, domestic violence, and substance use issues. The district court later granted DFS's motion to terminate Samantha's parental rights, finding multiple grounds of parental fault and that termination was in A.G.G.'s best interest. Samantha now appeals.

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 Rts. 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 Rts. 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 (2007).

We conclude that substantial evidence supports the district court's parental fault findings of neglect and unfitness. See NRS 128.105(1)(b)(2), (3). The record shows that Samantha's repeated domestic violence, substance use, and untreated mental health issues prevented her from providing proper care to A.G.G. See NRS 128.014(1) (explaining that a child is neglected when the child lacks "proper parental care by reason of the fault or habits of his or her parent"); NRS 128.018 (defining an "unfit parent" as a parent "who, by reason of the parent's fault or habit or conduct . . . fails to provide [their] child with proper care, guidance and support"); see also *In re N.J.*, 125 Nev. 835, 845, 221 P.3d 1255, 1262 (2009) ("What constitutes being unfit can vary from case to case but generally includes continued drug use, criminal activity, domestic violence, or an overall inability to provide for the child's physical, mental or emotional health and development." (internal quotation marks omitted)).

Substantial evidence also supports the district court's finding of parental fault based on failure to adjust. See NRS 128.105(1)(b)(4) (providing that failure of parental adjustment serves as a ground for

parental fault); NRS 128.0126 (stating that failure of parental adjustment occurs “when a parent or parents are unable or unwilling within a reasonable time to correct substantially the circumstances, conduct or conditions which led to the placement of their child outside of their home”). Samantha’s own testimony supports the district court findings that she did not utilize the services available while she was incarcerated, including mental health treatment and anger management classes. Moreover, Samantha minimized and did not take responsibility for her acts of domestic violence.

Substantial evidence also supports the district court’s finding that termination was in A.G.G.’s best interest. Samantha’s arguments that the district court did not properly consider the factors enumerated in NRS 128.107 and NRS 128.108 are belied by the record. *See* NRS 128.107 (providing considerations for the district court in determining whether to terminate parental rights when the parent does not have physical custody of the child); NRS 128.108 (outlining considerations for the district court when the child has been placed in a foster home with the ultimate goal of adoption). Specifically, the district court found that there was a lack of a bond between Samantha and A.G.G. and that A.G.G. could not achieve permanency with Samantha within a predictable period. *See* NRS 128.107(4) (requiring the district court to consider “[w]hether additional services would be likely to bring about parental adjustment enabling a return of the child to the parent or parents within a predictable period”). The district court also recognized that A.G.G. has been living with her foster family for most of her life, is thriving in their care, is fully integrated into the family, and the foster parents are committed to adopting A.G.G. *See* NRS 128.108. Accordingly, we conclude that substantial evidence supports

cc: Hon. Margaret E. Pickard, District Judge, Family Court Division
Samantha G.
Legal Aid Center of Southern Nevada, Inc.
Clark County District Attorney/Juvenile Division
Eighth District Court Clerk