

IN THE SUPREME COURT OF THE STATE OF NEVADA

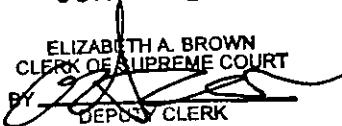
IN THE MATTER OF THE PARENTAL
RIGHTS AS TO: T.F.F., A MINOR

No. 89626

AMANDA L.F.,
Appellant,
vs.
CLARK COUNTY DEPARTMENT OF
FAMILY SERVICES AND T.F.F., A
MINOR,
Respondents.

FILED

JUN 18 2025

ELIZABETH A. BROWN
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 a minor child. Eighth Judicial District Court, Clark County; David S. Gibson, Jr., 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 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).

First, appellant Amanda L.F. challenges the district court's findings of parental fault. Specifically, Amanda asserts the district court gave too much weight to hearsay statements included in a file regarding a prior removal of T.F.F. from Amanda's care. We will not reweigh evidence on appeal, *Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523

(2000), and there was sufficient evidence in the record, outside of the challenged file, to support the district court's parental fault findings.

Next, Amanda contends the district court erred by requiring her to explain how T.F.F. ingested amphetamines. A parent cannot be compelled to admit to a crime as part of the parent's case plan. *In re Parental Rts. as to A.D.L.*, 133 Nev. 561, 562, 402 P.3d 1280, 1282 (2017). Amanda's case plan did not require her to admit to a crime. The case plan instead was focused on Amanda addressing her own substance abuse issues. To the extent the district court referenced Amanda's failure to provide an explanation regarding T.F.F.'s ingestion of amphetamines, it did so only in addressing Amanda's continually changing explanations as to how T.F.F. ingested amphetamines.

Next, Amanda contests the district court's application of a presumption based on the amount of time T.F.F. had been out of her care. But she concedes T.F.F. was out of her care for fifteen consecutive months at the time of the termination trial. Thus, the district court properly applied the presumption that Amanda made only token efforts to care for T.F.F. given that T.F.F. was out of Amanda's care for at least 14 consecutive months. NRS 128.109(1)(a). Further, the court properly applied the presumption that Amanda had failed to adjust the circumstances that led to T.F.F.'s removal because Amanda had not complied with the case plan within six months. NRS 128.109(1)(b); *see also* NRS 128.0126 (providing that a parent fails to adjust the circumstances that led to the child's removal "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"). Although the district court may have erred in finding that *no* evidence was provided to rebut

these presumptions, the district court properly concluded that Amanda did not rebut these presumptions by a preponderance of the evidence. *See In re Parental Rts. as to J.D.N.*, 128 Nev. 462, 471, 283 P.3d 842, 848 (2012) (explaining that once the NRS 128.109 presumptions apply, the parent can rebut the presumptions by a preponderance of the evidence). Further, the record demonstrates that Amanda failed to substantially comply with the case plan. Amanda was unable to demonstrate successful completion of a substance abuse treatment program or an ability to control her impulses regarding substances. Additionally, Amanda never attended anger management classes, as required by the case plan.

Further, substantial evidence in the record supports the district court's findings of neglect and parental unfitness. A neglected child is one "[w]ho lacks the proper parental care by reason of the fault or habits of his or her parent." NRS 128.014(1). An unfit parent is one who "by reason of the parent's fault or habit or conduct toward the child or other persons, fails to provide such child with proper care." NRS 128.018. Parental unfitness may be established when excessive use of controlled substances "renders the parent consistently unable to care for the child." NRS 128.106(1)(d). The record demonstrates this is T.F.F.'s third removal from Amanda's care based on concerns of neglect as a result of Amanda's substance use. Additionally, T.F.F. was removed from Amanda's care after he was hospitalized from ingesting amphetamines. And despite numerous positive or missed drug tests, Amanda denies any problem with substance use. Although Amanda's most recent drug test was negative and she was participating in an out-patient substance abuse program, she had self-reported to the program after being released from a different program because she refused to acknowledge having a problem. Thus, we conclude

substantial evidence supports the district court's findings of neglect, parental unfitness, failure to adjust the circumstances that led to T.F.F.'s removal, and token efforts to prevent neglect of the child and to avoid being an unfit parent.¹ NRS 128.105(1)(b)(2), (3), (4), (6).

Second, Amanda contends substantial evidence does not support the district court's finding that termination was in T.F.F.'s best interest. We disagree. The district court properly applied the presumption that termination of Amanda's parental rights was in T.F.F.'s best interest because T.F.F. had been out of Amanda's care for more than fourteen consecutive months. NRS 128.109(2). As discussed above, the district court may have erred in concluding Amanda presented *no* evidence to rebut the presumption, given testimony that Amanda and T.F.F. were bonded. But the district court properly concluded that Amanda had not rebutted the presumption by a preponderance of the evidence. *Parental Rts. as to J.D.N.*, 128 Nev. at 471, 283 P.3d at 848.

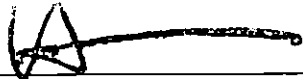
The record demonstrates that T.F.F. has been placed with a maternal uncle who is interested in adopting T.F.F. T.F.F. is bonded to the uncle and the uncle's family, including a sibling-like relationship with a cousin. The uncle has demonstrated a commitment to T.F.F.'s development, having T.F.F. tested and diagnosed with autism and being actively involved in T.F.F.'s treatment and education planning. While in the uncle's care, T.F.F. has gone from being non-verbal to occasionally being able to form sentences. In contrast, Amanda has not demonstrated knowledge about

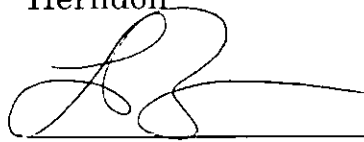
¹Because only one ground of parental fault is required to support the termination of parental rights, *see* NRS 128.105(1)(b) (requiring a finding of at least one ground of parental fault), we need not review the district court's other findings of parental fault.

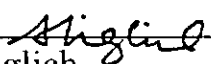
T.F.F.'s diagnosis or participated in any of T.F.F.'s treatment or education planning related to that diagnosis. Additionally, the district court properly considered T.F.F.'s best interests as required by NRS 128.107 and NRS 128.108. And while Amanda contends the district court failed to consider T.F.F.'s desires regarding the termination, the district court specifically concluded that T.F.F. lacked the capacity to express those desires. Thus, we conclude substantial evidence supports the district court's findings.

Having concluded that no relief is warranted, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. David S. Gibson, Jr., District Judge
Valarie I. Fujii & Associates
Clark County District Attorney/Juvenile Division
Legal Aid Center of Southern Nevada, Inc.
Eighth District Court Clerk