

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO D. A. P.

No. 38423

VERDA P.,

Appellant,

vs.

THE STATE OF NEVADA DIVISION
OF CHILD AND FAMILY SERVICES,
DEPARTMENT OF HUMAN
RESOURCES,

Respondent.

FILED

DEC 13 2001

ANETTE M. BLOOM
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order terminating appellant's parental rights.

In order to terminate parental rights, a petitioner must prove by clear and convincing evidence that termination is in the best interests of the child and must establish parental fault.¹ "This court will uphold termination orders if they are based on substantial evidence, and will not substitute its own judgment for that of the trial court."² In the present case, the district court determined that it was in the child's best interest that appellant's parental rights be terminated. The district court further found by clear and convincing evidence that appellant was an unsuitable parent on the basis of failure of parental adjustment.³


¹See Matter of Parental Rights as to N.J., 116 Nev. 790, 8 P.3d 126 (2000); NRS 128.105.


²Matter of Parental Rights as to Carron, 114 Nev. 370, 374, 956 P.2d 785, 787 (1998), overruled on other grounds by N.J., 116 Nev. 790, 8 P.3d 126.

³See NRS 128.105(2)(d); NRS 128.0126.

Having reviewed the record, we conclude that the district court's decision is supported by substantial evidence. Accordingly, we ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Gerald W. Hardcastle, District Judge,
Family Court Division
Attorney General
Brigid J. Duffy, Deputy District Attorney General, Las Vegas
Verda P.
Clark County Clerk

⁴We note that appellant has failed to pay the filing fee required by NRS 2.250(1)(a). See NRAP 3(f). Although appellant's failure to pay the filing fee constitutes an independent basis for dismissal, we have nonetheless considered the merits of this appeal.