IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL RIGHTS AS TO: K.C., A MINOR

RICHARD'DNAE C.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90171

ORDER OF AFFIRMANCE

This is an appeal from a district court order terminating parental rights as to a minor child. Eighth Judicial District Court, Family Division, Clark County; Robert Teuton, Judge.

Appellant Richard'dnae C. is the mother of K.C. Clark County Department of Family Services (DFS) removed K.C. from Richard'dnae's care in November 2022, shortly after K.C.'s birth, due to concerns about Richard'dnae's untreated mental health issues. Those issues previously had led to the termination of Richard'dnae's parental rights as to her six other children. DFS placed K.C. with a foster family and adopted a case plan requiring Richard'dnae to demonstrate an ability to provide for K.C.'s basic needs and to complete mental health and substance abuse evaluations and follow all recommendations. Richard'dnae was also appointed a guardian ad litem. After a termination trial in July 2024, the district court granted DFS's motion to terminate Richard'dnae's parental rights, finding multiple ground of parental fault and that termination was in K.C.'s best interests. Richard'dnae now appeals.

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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, we review 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). Further, we will "not reweigh the evidence on appeal or substitute our judgment for the district court's." *Matter of T.M.R.*, 137 Nev. 262, 267, 487 P.3d 783, 789 (2021).

Richard'dnae argues that substantial evidence does not support the district court's findings of parental fault or that termination would be in the child's best interest.[1] We disagree.

Substantial evidence supports the district court's parental fault findings of unfitness, failure of parental adjustment, and token efforts to care for the child. Because these grounds of parental fault are sufficient 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 finding of parental fault.

First, the record supports the finding of unfitness stemming from Richard'dnae's mental health issues. We have previously recognized

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[1]We decline to consider Richard'dnae's arguments in her informal briefs regarding her older children, as Richard'dnae's parental rights as to those children were terminated in prior proceedings and therefore are not before us in this appeal.

mental illness as a factor supporting parental fault in termination proceedings. *Matter of M.M.L., Jr.*, 133 Nev. 147, 152, 393 P.3d 1079, 1082-83 (2017). The record here shows that Richard'dnae has been diagnosed with schizophrenia and bipolar disorder and consistently refuses to take medication or acknowledge the mental health issues, and that her mental health and ability to care for herself has deteriorated. Thus, substantial evidence supports the district court's parental fault findings related to Richard'dnae's fitness as a parent. *See* NRS 128.105(1)(b)(3) (providing that unfitness of the parent serves as a ground for parental fault); NRS 128.018 (defining an "[u]nfit 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"); NRS 128.106(1)(a) (requiring the court to consider the "[e]motional illness, mental illness or mental deficiency of the parent which renders the parent consistently unable to care for the . . . needs of the child" when determining neglect or unfitness).

Second, Richard'dnae failed to adjust the circumstances that led to K.C.'s removal. Richard'dnae failed to complete all the services outlined in the case plan, and the record shows Richard'dnae did not fully engage with the services she did attend. *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"). For example, while Richard'dnae did attend psychiatric appointments, she was uncooperative, combative, and unwilling to participate. The record also demonstrates that Richard'dnae has neither made, nor acknowledged, the

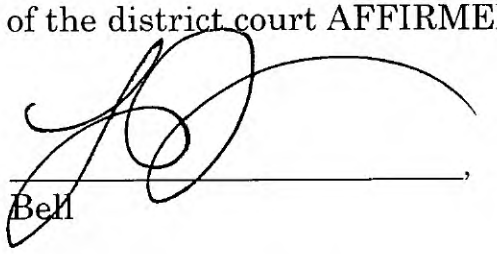
behavioral changes necessary to provide proper care for K.C. *See In re Parental Rts. as to K.D.L.*, 118 Nev. 737, 747-48, 58 P.3d 181, 187-88 (2002) (noting that appellant's failure to make behavioral changes necessary to the case plan was evidence of failure of parental adjustment). And "[w]ithout acknowledging that circumstances in the home needed to change," a parent cannot "demonstrate that the circumstances would, in fact, change." *Matter of S.L.*, 134 Nev. 490, 497, 422 P.3d 1253, 1259 (2018). Further, failure to comply with a case plan within six months is evidence of the parental-fault ground of failure of parental adjustment. NRS 128.109(1)(b) (providing that a parent's failure to complete a case plan within six months may be evidence of a failure to adjust).

Finally, substantial evidence supports the district court's parental fault finding of token efforts. *See* NRS 128.105(1)(b)(6) (providing that token efforts serves as a ground for parental fault). It is presumed that a parent has only made token efforts when the child has resided outside of the parent's care for more than 14 of 20 consecutive months. NRS 128.109(1)(a). Because K.C. resided outside of Richard'dnae's care for 20 consecutive months, the district court properly applied this statutory presumption. And substantial evidence supports the conclusion that Richard'dnae did not rebut that presumption. As noted above, Richard'dnae failed to substantially engage with the case plan or address the issues underlying K.C.'s removal, including Richard'dnae's mental health. And the record also demonstrates Richard'dnae failed to consistently visit K.C., and even when Richard'dnae did attend her scheduled visitation, she dozed off and did not engage with K.C. *See In re N.J.*, 125 Nev. 835, 846, 221 P.3d 1255, 1263 2009) (agreeing with the district court's token efforts finding where the parent was observed falling asleep during visits with the child).

We also conclude that substantial evidence supports the district court's finding that termination was in K.C.'s best interest. Termination of parental rights is presumed to be in a child's best interest if that child has been placed outside of the parent's home for 14 of any consecutive 20 months. NRS 128.109(2). Based on the length of time K.C. was outside of Richard'dnae's care, the district court properly applied this statutory presumption. We further conclude the district court properly found that Richard'dnae failed to rebut that presumption. *See In re J.D.N.*, 128 Nev. 462, 474, 283 P.3d 842, 850 (2012) (holding that after the district court determines that NRS 128.109's presumptions apply, the burden is on the parent to present evidence relating to the NRS 128.107 factors that would rebut those presumptions).

Children deserve stability and despite the extensive services provided to Richard'dnae to facilitate a reunion with K.C., reunification has not been possible, and it is unlikely that additional services would lead to reunification within a predictable period *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). And although the district court did not reference NRS 128.108 specifically, the district court recognized that Richard'dnae lacks the ability to care for herself or a vulnerable child, K.C. has been living with a foster family for almost all of K.C.'s life, and the foster family has adopted K.C.'s siblings, who also reside in the home. *See* NRS 128.108 (listing considerations for the court in termination proceedings where the child has been placed in a foster home with the ultimate goal of adoption). Thus, substantial evidence supports the district court's findings that terminating Richard'dnae's parental rights was in K.C.'s best interests. Based upon the foregoing, we

ORDER the judgment of the district court AFFIRMED.



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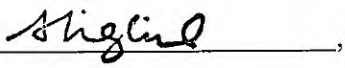

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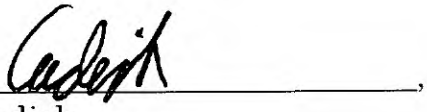

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cc: Hon. Robert Teuton, District Judge, Family Division
The Grigsby Law Group
Attorney General/Carson City
Elisha Lisson
Clark County District Attorney
Eighth District Court Clerk