

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO L. V. D. AND J. A. D.

No. 39196

BRENDA JO V. AND ALBERT L. D.,
Appellants,

vs.

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

FILED

MAY 16 2002

JANE FTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order terminating appellants' 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 children's best interest that appellants' parental rights be terminated. The district court further found by clear and convincing evidence that appellants were

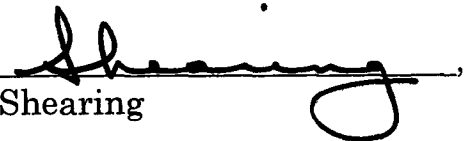
¹See Matter of Parental Rights as to N.J., 116 Nev. 790, 8 P.3d 126 (2000); NRS 128.105.

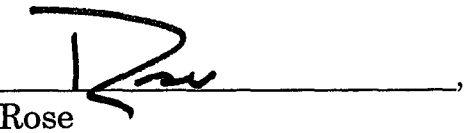
²Matter of Parental Rights as to Carron, 114 Nev. 370, 374, 956 P.2d 785, 787 (1998), overruled on other grounds by N.J., 116 Nev. 790, 8 P.3d 126.

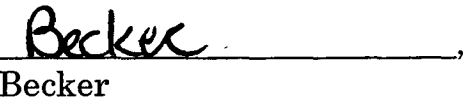
unsuitable parents on the basis of neglect of the children,³ unfitness by the parents,⁴ and serious risk of mental and emotional injuries to the children by the parents' chronic instability, and Albert's repeated domestic violence toward Brenda.⁵

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.⁶

 J.
Shearing

 J.
Rose

 J.
Becker

³NRS 128.105(2)(b).

⁴NRS 128.105(2)(c).

⁵NRS 128.015(2)(e).

⁶We note that the district court did not abuse its discretion when it denied Brenda's motion for the appointment of counsel on appeal. See Casper v. Huber, 85 Nev. 474, 476, 456 P.2d 436, 437 (1969) (concluding that there is no statutory right to the appointment of counsel for appellate review from an order terminating parental rights); see also NRS 128.100(2) (providing that in termination proceedings the district court may appoint counsel when a parent is indigent).

Although appellants were not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from them.

cc: Hon. Deborah Schumacher, District Judge, Family Court Division
Attorney General/Carson City
Brenda Jo V.
Albert L. D.
Washoe District Court Clerk