

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO V.J.C., JR.

No. 39993

ELAINE O.,  
Appellant,

vs.

THE STATE OF NEVADA DIVISION  
OF CHILD AND FAMILY SERVICES,  
NOW WASHOE COUNTY  
DEPARTMENT OF SOCIAL SERVICES,  
Respondent.

FILED

OCT 31 2002

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
J. Richards  
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.<sup>1</sup> This court will not substitute its own judgment for that of the district court and will uphold termination orders that are supported by substantial evidence.<sup>2</sup> In the present case, the district court determined that it was in the child's best interests to terminate appellant's parental rights. The district court further found parental fault by operation of law, as appellant failed to

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


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

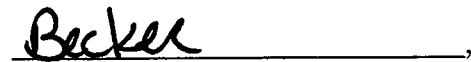
overcome the presumption of the failure of parental adjustment<sup>3</sup> and only token efforts.<sup>4</sup>

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.

 J.  
Shearing

 J.  
Leavitt

 J.  
Becker

cc: Hon. Deborah Schumacher, District Judge, Family Court Division  
Attorney General/Reno  
Elaine O.  
Washoe District Court Clerk

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<sup>3</sup>See NRS 128.105(2)(d) (establishing parental fault based on failure of parental adjustment); NRS 128.109(1)(b) (providing that if a child has been placed outside the home for more than six months, there is a presumption of failure of parental adjustment when a parent fails to comply substantially with a reunification plan).

<sup>4</sup>See NRS 128.105(2)(f) (establishing parental fault based on only token efforts); NRS 128.109(2) (providing that if a child has been in foster care for more than fourteen months, it is presumed that the parent has made only token efforts to care for the child and termination is in the child's best interest).