

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO S. L. H.

No. 40529

ROGER W. H.,  
Appellant,  
vs.  
KARRIE E., GRACE M. E., AND  
RODNEY E.,  
Respondents.

FILED

APR 09 2003

JANE ITE 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 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> If substantial evidence in the record supports the district court's determination that clear and convincing evidence warrants termination, this court will uphold the termination order.<sup>2</sup> In the present case, the district court determined that it is 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 unfitness.<sup>3</sup> In finding unfitness, the district court considered appellant's

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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.

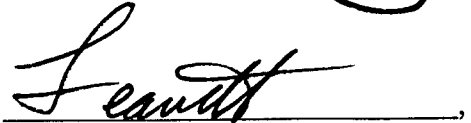
<sup>2</sup>Matter of Parental Rights as to Carron, 114 Nev. 370, 374, 956 P.2d 785, 787 (1998), overruled on other grounds by Matter of N.J., 116 Nev. 790, 8 P.3d 126.


<sup>3</sup>See NRS 128.105(2)(c). An unfit parent is one who by his or her own fault, habit, or conduct toward the child, fails to provide the child with proper care, guidance, and support. NRS 128.018.

incarceration and the nature of the crime for which he was convicted.<sup>4</sup> Moreover, the district court found by clear and convincing evidence that the child was at risk of serious mental and emotional injury if efforts were made towards reunification with appellant.<sup>5</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. Charles M. McGee, District Judge, Family Court Division  
Roger W. H.  
Grace M. E.  
Karrie E.  
Rodney E.  
Washoe District Court Clerk

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<sup>4</sup>Matter of Parental Rights as to J.L.N., 118 Nev. \_\_\_, 55 P.3d 955 (2002); see also Matter of the Parental Rights as to K.D.L., 118 Nev. \_\_\_, 58 P.3d 181 (2002).

<sup>5</sup>See NRS 128.105(2)(e).