

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO A.M.A.

H.M.A.,
Appellant,
vs.
R.M. AND M.M.,
Respondents.

No. 40820

FILED

JAN 08 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. Rinaldi*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from the district court's order denying H.M.A.'s motion for a change of venue from Lyon County to Washoe County in an action for termination of parental rights.

H.M.A. argues that venue is improper in Lyon County because the parties now reside in Washoe County. NRS 128.030 provides that:

[a] petition alleging that there is or resides within the county a child who should be declared free from the custody and control of his parent or parents may be filed at the election of the petitioner in:

1. The county in which the child is found;
2. The county in which the acts complained of occurred; or
3. The county in which the child resides.

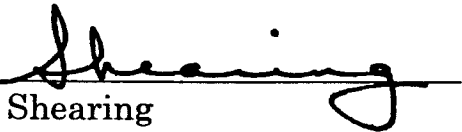
Moreover, H.M.A. contends that the district court's grant of guardianship for the child was the only "act" that occurred in Lyon County. The record does not support H.M.A.'s factual contentions.

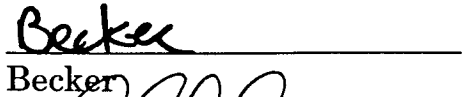
Not only did the guardianships occur in Lyon County, but several of the alleged acts or omissions also transpired there while the minor child was living with H.M.A.'s mother. The Lyon County District

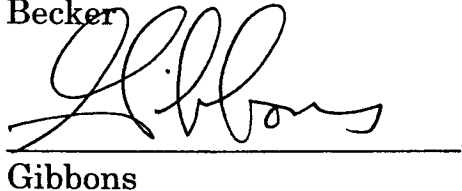
Court is also cognizant of the circumstances surrounding this case due to its long-term involvement with the child.

Because H.M.A.'s alleged parental dereliction partially occurred in Lyon County, the district court did not err in finding that Lyon County was a proper place for venue pursuant to NRS 128.030(2). Therefore, we affirm the district court's order denying H.M.A.'s motion for a change of venue to Washoe County.

It is so ORDERED.

 _____, C.J.
Shearing

 _____, J.
Becker

 _____, J.
Gibbons

cc: Hon. Archie E. Blake, District Judge
Law Offices of John P. Schlegelmilch, Ltd.
Law Office of Kenneth V. Ward
Lyon County Clerk