

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO D. R. P.

No. 42496

BRANDI H.,
Appellant,

vs.

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

FILED

MAR 04 2004

JANETTE 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 child's best interest and that parental fault exists.¹ 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.² In the present case, the district court determined that it was in the child's best interests that appellant's parental rights be terminated. The district court also found by clear and convincing evidence

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

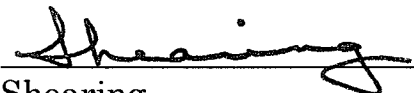
²Matter of Parental Rights as to Carron, 114 Nev. 370, 374, 956 P.2d 785, 787 (1998), overruled on other grounds by Matter of N.J., 116 Nev. 790, 8 P.3d 126.


parental fault on the grounds of unfitness and failure of parental adjustment.

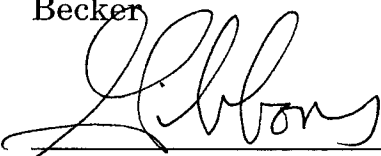
A parent is unfit when by his or her own fault, habit, or conduct toward the child, the parent fails to provide the child with proper care, guidance, and support.³ Failure of parental adjustment occurs when a parent is unable, within a reasonable time, to correct the conduct that led to the child being placed outside the home.⁴ Here, the district court found by clear and convincing evidence that the appellant had, through her own faults and habits, failed to provide for the child's care, and that she had failed within a reasonable time to correct the circumstances under which the child was placed outside the home.

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.⁵


_____, C.J.
Shearing


_____, J.
Becker


_____, J.
Gibbons

³NRS 128.018; see also NRS 128.105(2)(c).

⁴NRS 128.0126.

⁵We note that appellant's failure to pay the filing fee could constitute a basis for dismissing this appeal. Nevertheless, we have elected to review this appeal.

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Attorney General Brian Sandoval/Las Vegas
Brandi H.
Clark County Clerk