

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO L.C.N., A MINOR
CHILD.

No. 77165

SEAN M.I.,
Appellant,
vs.
ERICK E.; AND CASSANDRA E.,
Respondents.

FILED

NOV 15 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order terminating appellant's parental rights as to his minor child.¹ Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

To terminate parental rights, the district court must find clear and convincing evidence that (1) at least one ground of parental fault exists, and (2) termination is in the child's best interest. NRS 128.105(1); *In re Termination of Parental Rights as to N.J.*, 116 Nev. 790, 800-01, 8 P.3d 126, 132-33 (2000). On appeal, this court reviews questions of law de novo and the district court's factual findings for substantial evidence. *In re Parental Rights as to A.L.*, 130 Nev. 914, 918, 337 P.3d 758, 761 (2014).

Appellant argues that substantial evidence does not support the district court's finding of the parental fault ground of abandonment. He

¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

also argues that termination was improper as no services had been provided to him to facilitate a reunion with the child.²

We conclude that substantial evidence supports the district court's findings that appellant abandoned the child. NRS 128.105(1)(b); NRS 128.107. Because appellant has left the child in respondents' care without provision for the child's support and without communication for a period of 6 months, the presumption that appellant abandoned the child applies. NRS 128.012(2). Appellant did not overcome this presumption. He has failed to provide respondents with any support for the child and has not requested visitations with the child. Further, he has failed to comply with court-ordered mediation or to cooperate with CASA, which might have led to visits with the child. Additionally, NRS 128.107 does not require services be provided to appellant to facilitate a reunion with the child; it only requires the district court to consider such services, which the district court did here. The district court also considered that because appellant has failed to participate in mediation or cooperate with CASA, additional services are unlikely to bring about lasting parental adjustment enabling reunification with the child. Thus, substantial evidence supports the district court's parental fault finding of abandonment.

While appellant does not directly challenge the district court's finding that termination of his parental rights would be in the child's best interest, we conclude that substantial evidence supports that finding. The

²To the extent appellant argues the district court should have allowed him to admit evidence at the termination trial, the record on appeal demonstrates appellant had this opportunity.

child has resided with respondents for most of her life, she is bonded with them and their children, and she is thriving in their care. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Silver

DOUGLAS, Sr. J., dissenting:

I disagree that substantial evidence supports the district court's finding that the parental fault ground of abandonment was established by clear and convincing evidence. The evidence in the record demonstrates that appellant did not have a settled purpose "to forego all parental custody and relinquish all claims to the child." NRS 128.012(1) (providing when abandonment has been established). Appellant relocated from Ohio to Nevada to invoke his parental rights. Soon after his relocation, an order was entered requiring him to stay away from the child, which prevented him from communicating or visiting with the child. Additionally, appellant's continued opposition to the termination of his parental rights demonstrates he does not have a settled purpose to forgo all parental custody and relinquish all claims to the child. *In re Parental Rights as to C.J.M.*, 118 Nev. 724, 734, 58 P.3d 188, 195 (2002). Considering appellant's

³The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.

ardent opposition to the termination proceedings and the effect of the stay-away order as to the child, the evidence in the record does not support the district court's finding of abandonment. Thus, I respectfully dissent.

Douglas, Sr. J.
Douglas

cc: Hon. Thomas W. Gregory, District Judge
The Kidder Law Group, Ltd.
Heritage Law Group, PC
Douglas County Clerk