

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF T.H., K. B., AND
C.H., MINOR CHILDREN.

No. 37710

LINDA K. H.,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF HUMAN
RESOURCES, DIVISION OF CHILD
AND FAMILY SERVICES,
Respondent.

FILED

MAR 07 2002

JANETTE A. HILTON
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order terminating appellant's parental rights. This court will uphold termination orders based on substantial evidence, and will not substitute its judgment for that of the district court.¹ Substantial evidence is evidence that a reasonable person would consider adequate to support a conclusion.²

Appellant first argues that the district court did not give due consideration to a recent finding that she suffers from fetal alcohol syndrome, and had not been given the opportunity to be treated for the illness before the court terminated her parental rights. The district court's detailed and extensive findings, however, reflect careful consideration of appellant's fetal alcohol syndrome and an understanding of the grave implications of terminating her parental rights.

¹See Kobinski v. State, 103 Nev. 293, 296, 738 P.2d 895, 897 (1987).

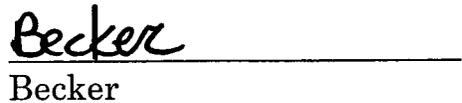
²See State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986).

The record is also replete with evidence indicating that appellant's children consistently suffered harm and received inadequate parental care.³ Substantial evidence therefore supports the district court's determination that clear and convincing evidence⁴ warranted the termination of appellant's parental rights.⁵ Having considered the parties' arguments, we

AFFIRM the district court's order terminating appellant's parental rights.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Richard Wagner, District Judge
Kyle B. Swanson
Attorney General/Carson City
Lander County Clerk

³NRS 128.105(2)(3).

⁴Due process places the burden of proof on the State to prove by clear and convincing evidence that termination of parental rights is warranted. See Cloninger v. Russell, 98 Nev. 597, 598, 655 P.2d 528, 529 (1982).

⁵Matter of Parental Rights as to N.J., 116 Nev. 790, 8 P.3d 126 (2000).