

IN THE SUPREME COURT OF THE STATE OF NEVADA

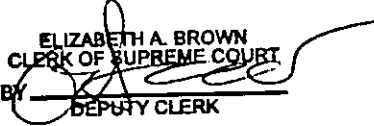
IN THE MATTER OF THE PARENTAL
RIGHTS AS TO: N.D.L., A MINOR

No. 89361

ELTON L.,
Appellant,
vs.
CLARK COUNTY DEPARTMENT OF
FAMILY SERVICES; N.D.L., A MINOR,
Respondents.

FILED

MAY 15 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order terminating appellant's parental rights as to a minor child. Eighth Judicial District Court, Family Division, Clark County; Robert Teuton, 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 Rts. 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 Rts. as to A.L.*, 130 Nev. 914, 918, 337 P.3d 758, 761 (2014).

First, appellant Elton L. challenges the district court's findings of parental fault. We conclude that substantial evidence supports the district court's findings of neglect, parental unfitness, and failure to adjust

the circumstances that led to N.D.L.'s removal.¹ NRS 128.105(1)(b)(2),(3),(4); *see also* NRS 128.014(1) (providing that a neglected child is one "[w]ho lacks the proper parental care by reason of the fault or habits of his or her parent"); NRS 128.018 (explaining that an unfit parent is one who "by reason of the parent's fault or habit or conduct toward the child or other persons, fails to provide such child with proper care"); NRS 128.0126 (defining a failure of parental adjustment as "when a parent or parents are unable or unwilling within a reasonable time to correct substantially the circumstances, conduct or conditions which led to the placement of their child outside of their home").

The record demonstrates this is N.D.L.'s fourth time in protective custody. For most of N.D.L.'s life, Elton has been incarcerated for offenses related to substance abuse, as Elton admitted below. *See Champagne v. Welfare Div. of Nev. State Dep't of Hum. Res.*, 100 Nev. 640, 648, 691 P.2d 849, 855 (1984) (explaining that a parent's unfitness, such as a substance abuse problem, must severely and persistently prevent the parent from providing proper care for the child), *superseded by statute on other grounds, as stated in In re N.J.*, 116 Nev. 790, 8 P.3d 126 (2000)); NRS 128.106(1)(d) (providing that "[e]xcessive use of intoxicating liquors, controlled substances or dangerous drugs which renders the parent consistently unable to care for the child" may be evidence of parental unfitness). Further, the record shows that Elton has not maintained contact with respondent Clark County Department of Family Services

¹Because only one ground of parental fault is required to support the termination of parental rights, *see* NRS 128.105(1)(b) (requiring a finding of at least one ground of parental fault), we need not review the district court's other findings of parental fault.

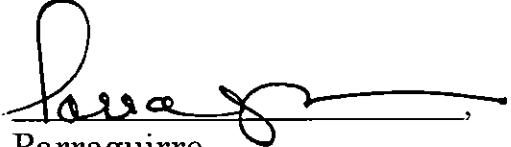
(DFS) and has not completed his case plan. For example, the case plan requires Elton to participate in substance abuse treatment and anger management programs. Though Elton testified that he participated in the Trust program while in prison, it is not clear from the record that the Trust program qualifies as a substance abuse and/or an anger management treatment program. Lastly, Elton was still incarcerated and would be unable to take placement of N.D.L. immediately upon his release.


Second, Elton contends substantial evidence does not support the district court's finding that termination was in N.D.L.'s best interest. We disagree. The record shows that N.D.L. has been thriving in the foster placement. N.D.L.'s grades have increased, she is benefiting from therapy, and she is enjoying the stability provided by the foster home where she has resided longer than any other home. The record also shows that N.D.L. is bonded to the foster family and the foster family wants to adopt N.D.L. And while there is some evidence that N.D.L. would like to maintain contact with Elton, N.D.L. wanted to be adopted by the foster family and supported termination of Elton's parental rights. Accordingly, substantial evidence supports the district court's finding that termination of Elton's parental rights is in N.D.L.'s best interest. NRS 128.005(2)(c) ("The continuing needs of a child for proper physical, mental and emotional growth and development are the decisive considerations in proceedings for termination of parental rights."). And because that evidence supports the district court's best-interest finding regardless of the NRS 128.109(2) presumption that termination is in N.D.L.'s best interest based on the length of time N.D.L. has been out of Elton's care, we need not address Elton's arguments concerning that presumption.

Having determined that the district court's findings are supported by substantial evidence and that none of the issues raised by Elton warrant relief, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Herndon


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Robert Teuton, District Judge, Family Division
The Grigsby Law Group
Clark County District Attorney/Juvenile Division
Legal Aid Center of Southern Nevada, Inc.
Eighth District Court Clerk