

# GROUNDS FOR TERMINATION OF PARENTAL RIGHTS

Complete a separate *Grounds for Termination of Parental Rights* form for **each child** named in the *Petition for Termination of Parental Rights*. If there are 2 children, then 2 *Grounds for Termination of Parental Rights* forms MUST be completed and attached to the Petition.

CHILD'S NAME: \_\_\_\_\_

Indicate the grounds for Termination of Parental Rights (**Place an "X" next to the grounds that apply**). **At least one of the boxes numbered 1 through 9 must be checked.**

## CONSENT:

1.  A parent of the child, or a person or organization holding parental rights over the child, agrees (consents) that this Petition should be granted.  
 A *Consent to Termination and Transfer of Parental Rights* (Form 140) is attached to the Petition.

## INTENTIONAL ABANDONMENT:

2.  Respondent(s) have intentionally abandoned the child as evidenced by the fact that (**If you check box 2, you must place an "X" next to at least one of the following that apply**):
  - a.  The child is younger than 6 months old at the time of filing this Petition and Respondent(s) FAILED to:
    - Pay reasonable prenatal, natal and postnatal expenses for the child; **AND**
    - Visit regularly with the child or file a petition for visitation with the child; **AND**
    - Manifest (show) an ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the other parent).
  - b.  The child is at least 6 months old at the time of filing this Petition **AND** for at least 6 consecutive months (6 months in a row) of the 12 months preceding the filing of this Petition, Respondent(s) FAILED to:
    - Communicate or visit regularly with the child; **AND**
    - Manifest (show) the ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the other parent).
  - c.  The child is younger than 6 years old at the time of filing this Petition **AND** Respondent(s) have placed the child in circumstances leaving the child in substantial risk of injury or death and, therefore, has manifested (shown) the unwillingness to exercise parental rights and responsibilities.

## UNINTENTIONAL ABANDONMENT:

3.  Respondent(s) have unintentionally abandoned the child because for 12 consecutive months (12 months in a row) in the 18 months before filing this Petition, Respondent(s) FAILED to:
  - Communicate or visit regularly with the child; **AND**
  - File or pursue a pending Petition to establish paternity or to establish a right to have contact or visitation with the child; **AND**
  - Manifest (show) an ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the other parent).

**AND** at least one of the below applies (**Place an “X” next to at least one of the following that apply**):

- The child is not in the other parents’ legal and physical custody and Respondent(s) are not able or willing promptly to assume legal and physical custody of the child, and to pay for reasonable support for the child.
- The child is in the legal and physical custody of the other parent and a stepparent, and the stepparent is the prospective adoptive parent, and Respondent(s) are not able or willing promptly to establish and maintain contact with the child and to pay reasonable support for the child in accordance with the Respondent(s)’ financial means.
- Placing the child in Respondent(s)’ legal and physical custody would pose a risk of substantial harm to the child’s physical or psychological well-being. Respondent(s) are unfit to maintain a relationship of “parent and child” with the child because of at least one (1) of the following reasons:
  - i. The circumstances of the child’s conception; **OR**
  - ii. Respondent(s)’ behavior during pregnancy; **OR**
  - iii. Respondent(s)’ behavior after the child was born; **OR**
  - iv. Respondent(s)’ behavior with respect to another child.
- Failure to grant the Petition for Termination of Parental Rights would be detrimental to the child.

**DETRIMENTAL TO THE CHILD**

In determining whether failure to grant the termination of parental right would be detrimental to the child, the Court will consider all relevant factors, including the following:

- A. The respondent’s efforts to obtain or maintain legal and physical custody of the child.
- B. The role of another person in thwarting the respondent’s efforts to assert parental rights.
- C. The respondent’s ability to care for the child.
- D. The child’s age.
- E. The quality of a previous relationship between the respondent and child, and between the respondent and another child.
- F. The duration and suitability of the child’s current custodial environment.
- G. The effect on the child of a change of physical custody.

**CONVICTION OR ADJUDICATION:**

4.  Respondent(s) have been convicted or adjudicated of the following (or a substantially similar offense in another jurisdiction) (**If you check box 4, you must place an “X” next to at least one of the following that apply**):
- A felony level offense against the person under Subchapter II of Chapter 5 of Title 11, in which the victim was a child; **OR**
  - Aided, abetted, attempted, conspired or solicited to commit a felony level offense against the person under Subchapter II of Chapter 5 of Title 11, in which the victim was a child; **OR**
  - Dealing in Children or attempting to deal in children under § 1100A of Title 11; **OR**
  - Felony level endangering the welfare of a child under § 1102 of Title 11; **OR**
  - Murder or manslaughter of the other parent of the child who is the subject of the petition; **OR**
  - Aiding, abetting, attempting, conspiring, or soliciting to commit murder or manslaughter of the other parent of the child who is the subject of this petition.

**FAILURE TO PLAN:**

5.  **DSCYF OR LICENSED AGENCY:** the child is in DSCYF custody or placed by a licensed agency and the Respondent(s) are not able or have failed to plan adequately for the child's physical needs or mental and emotional health and development; **AND** at least **ONE (1)** of the following conditions are met (**CHECK ALL THAT APPLY**):
- The child has been in DSCYF custody or placed by a licensed agency for at least 1 year.
  - The child has been in DSCYF custody or placed by a licensed agency for at least 6 months and the child came into care as an infant.
  - DSCYF previously had custody of the child or another child of the Respondent(s).
  - The Respondent(s) have a history of dependency, neglect, abuse, or lack of care of the child or another child.
  - The Respondent(s) are incapable of discharging parental responsibilities due to extended or repeated incarceration (the Court may consider the Respondent(s)' postconviction conduct).
6.  **PRIVATE:** at the time of the Termination of Parental Rights Hearing, the child will be a dependent child or neglected child in the Respondent(s)' care and **ALL** of the following are true:
- The Petitioner is the child's parent, guardian, permanent guardian, or relative.
  - The child has resided in the Petitioner's home for at least 1 year.
  - The Respondent(s) failed to discharge parental responsibilities for at least 12 of the 18 months preceding the filing of the petition.
  - The Respondent(s) are unlikely to be able to remedy the dependency or neglect in the near future. **\*NOTE\*:** *in making this determination, the Court shall consider the Respondent(s)' efforts to remedy the dependency or neglect.*

**You must also include a detailed statement of why the child would be a dependent child or neglected child in the Respondent(s)' care:**

7.  **PRIOR INVOLUNTARY TERMINATION:** Respondent(s)' parental rights over another child have been involuntarily terminated in a prior proceeding.
8.  **ABUSE:** The Respondent(s) have subjected a child to torture, chronic abuse, sexual abuse, or life-threatening abuse.
9.  **UNEXPLAINED SERIOUS INJURY OR DEATH:** A child has suffered unexplained serious physical injury, near death, or death under circumstances indicating that the injuries, near death, or death resulted from the Respondent(s)' intentional or reckless conduct or willful neglect.