

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

TWO PRONGED TEST

1. 161.001 GROUNDS OR REASONS
2. BEST INTEREST OF THE CHILD

Clear and convincing evidence

A firm belief or conviction as to the
truth of the allegations

ABANDONMENT

- A. VOLUNTARILY LEFT THE CHILD ALONE OR IN THE POSSESSION OF ANOTHER NOT THE PARENT AND EXPRESSED AN INTENT NOT TO RETURN
 - COURT ORDER? INCARCERATED?
 - INTENT NOT TO RETURN MUST BE TIED TO A SPECIFIC INSTANCE

- B. VOLUNTARILY LEFT THE CHILD ALONE OR IN THE POSSESSION OF ANOTHER NOT THE PARENT WITHOUT EXPRESSING AN INTENT TO RETURN, WITHOUT PROVIDING FOR THE ADEQUATE SUPPORT OF THE CHILD, AND REMAINED AWAY FOR A PERIOD OF AT LEAST THREE MONTHS.
- Did parent provide for the support?
Is person not the parent willing and able?

- C. VOLUNTARILY LEFT THE CHILD ALONE OR IN THE POSSESSION OF ANOTHER WITHOUT PROVIDING ADEQUATE SUPPORT OF THE CHILD AND REMAINED AWAY OR A PERIOD OF AT LEAST SIX MONTHS.

- Is support government assistance?

F. Failed to support the child in accordance with the parent's ability during a period of one year ending with six months of the date of the filing of the petition.

- Must prove parent had the ability to pay
- Alleged father's duty begins when acknowledged or finding

- H. Voluntarily, and with knowledge of the pregnancy, abandoned the mother and child during the pregnancy and continued through birth, and failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart and failed to support the child since birth.

TERMINATION OF ALLEGED FATHER

- GROUNDS
- PROCEDURAL AND SUBSTANTIVE STANDARDS
 - NO REGISTRATION = NO PERSONAL SERVICE, NO CITATION
 - REGISTRATION, BAD ADDRESS = NO PUBLICATION
 - ***MUST SEARCH PATERNITY REGISTRY AND PRODUCE CERTIFICATE***