### Information & Instructions: Petition for Termination Parental Rights Required Prior to an Adoption

1. This form may be used to terminate the rights of a parent from his or her child.

2. In all adoption proceeding, the attorney should file with the clerk of the Court a Bureau of Vital Statistics form. Certificate of Adoption (VS-160 REV 9/96). This form should be filed with the adoption decree.

### PLEASE DO NOT COPY

# **THIS DOCUMENT**

## THANK YOU

### Form: Petition for Termination Parental Rights Required Prior to an Adoption

IN THE INTEREST OF:	, ,	IN THE DISTRICT COURT OF
[CHILD'S NAME],	, ,	[COUNTY NAME], TEXAS
[A CHILD]	'	JUDICIAL DISTRICT

#### **ORIGINAL PETITION FOR TERMINATION OF PARENTAL RIGHTS**



level pursuant to Rule 190 of The Texas Rules of Civil Procedure under which discovery should be conducted.

#### 2. PETITIONERS

2.1 This suit is brought by [Names of petitioner's], herein referred to as Petitioners.

## 2.2 Petitioner Namel is [Agel years of age 2.3 [if applicable] Petitioners are husband and write, who reside at [Address, city,

county, state]. [or] Petitioner [name of mother] is the mother of the child and Petitioner

[name of mother's current husband] is the step-father of the child.

[or] Petitioner/s [is or are not] related to the child[ren] who is the subject of this suit.

[add if applicable] Petitioner [name of Petitioner] is the [relationship of Petitioner] of the



3.1 This Court has exclusive jurisdiction over the child, who is the subject of this suit, because the child [Choose] [the child has been the subject of prior proceedings in this

Court] or [the child currently resides and has resided with the Petitioners since [Date], in this County.

3.2 No other Court has continuing jurisdiction of this suit or of the child who is the subject of this suit.

3.3 There are no court-ordered relationships for support, custody or other matters affecting the child[ren] the subject of this adoption.

<sup>[or]</sup> PLEASE DO NOT COPY This Court has entered orders affecting the child the subject of the suit as a result of prior

proceedings, and has named the following persons in prior proceedings as conservators of the child[ren] or as persons having access to the child[ren]:

[Managing conservator' name]

[Possessory conservator's name]

[Joint managing conservator's name] **OCUMENT** [Joint managing conservator's name]

[Person granted access to the child by court order]

3.4 Pursuant to §152.209 of the Texas Family Code, attached to this Petition is an

affidavit marked as "Exhibit B" and made a part hereof for all purposes.

4. CHILD[REN]

4.1 Petitioners would show the Court that the child[ren] the subject of this proceeding

[is/are]:

Name: \_\_\_\_\_

Sex: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Current residence:

### PREVIEW

Social Security Number:

Driver's License Number:

### 5.1 SERVICE AND PERSONS ENTITLED TO CITATION OF NOTICE 5.1 The following persons are entitled to citation of notice:

Natural Father of the Child

[If the presumed or alleged father has signed affidavit of relinquishment] The father of the child has signed or will sign an affidavit of relinquishment of parental rights, and has waived service of process.

[or] [If the father is a presumed or legal father] The father of the child should be served with citation at his residence located at: [Street address, city, state and zip code], or at his place of employment, located at: [Name of employer, street address, city, state and zip code].

[or] [If the child does not have a presumed father] The child is not the legitimate child of any man. An affidavit of status, executed by the [Natural mother's name], is or will be filed herein.

[or] The whereabouts of Respondent, [Name of father], is unknown to Petitioners. A sworn affidavit verifying the fact that Petitioner's do not know the whereabouts of the said Father, is filed herewith, and citation by publication should be issued pursuant to

law, and an attorney ad-litem to represent the missing Father should be appointed by this Court.

[or] The man alleged in such affidavit to be the father or probable father is [Natural

father's name], who is approximately \_\_\_\_\_\_ years of age and resides at:

Notice of these proceedings should be served on said father at the above address [or if applicable] Petitioners have no material information as to the identity or

whereabouts of the biological father.

The affidavit of status filed herein executed by the mother of the child indicates that the identity of the father of the child is unknown.

[or] [Father's name], Respondent herein, has filed a notice of intent to claim paternity

by registering with the paternity registry under of the [Applicable law]. [Eather's name] has provided the registry with the following address. [Address, city, state], where he

should be served with citation herein.

Mother of the Subject Child

The mother of the child is a Petitioner in this cause of action.

[or] The natural mother has signed a Relinquishment of her Parental Rights and has waived her right to service.

[or] The whereabouts of the mother of the child is unknown to Petitioner/Petitioners.

Attached to this petition is an affidavit of Petitioner/Petitioners verifying that the

whereabouts of the mother of the child is unknown. Consequently, petitioners request

FormsForTexas.Com the **inclusion** e tha

addres	The mother of the child[ren] should be served with citation herein at the follows:
[Addr	ess of biological mother of the child]
Other	Persons Entitled to Service of Citation
Name	
Street	address:
Relati	<b>LEASE DO NOT COPY</b>
Name	[Mother of the children]
Street	address:
	onship to child:
Name Street	THIS DOCUMENT
Name Street	onship to child:
Name Street	onship to child:
Name Street Relati	onship to child:
Name Street Relati	onship to child:
Name Street Relativ 6.1 [or]	onship to child:



7.1 Petitioner's would show the Court that the termination of the parent-child

relationship between [Child's name] and the [Parent's name] is in the best interest of the

child, and such termination is requested.

7.2 Petitioner/s would show the Court that the termination of the parent-child

relationship between [child's name] and the [Parent's name] is in the best interest of the



[SELECT THE APPLICABLE GROUNDS FOR TERMINATION PURSUANT

#### TO THE FACTS BEFORE THE COURT IN THIS CASE:]

(A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;

(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 awayfor **p** ridd, at has three months **UVFE** 

(C)) voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months;

(D) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;

(E) engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child;

(F) failed to support the child in accordance with the parent's ability during a period of one year ending within six  $n \frac{n}{2}$  and  $b \frac{1}{2}$  at the latest the filling of the bettion;

(G) abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence;

(H) voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child begin not to the during lease on any with the child and continuing through the birth, fance provide adequate support or medical care for the mother during the period of

abandonment before the birth of the child, and remained apart from the child or failed to support the child since the bi

(i) contumaciously refused to submit to a reasonable and lawful order of a court under Subchapter D, Chapter 261 [Investigation of Report of Child Abuse or Neglect];

(J) been the major cause of:

(i) the failure of the child to be enrolled in school as required by the Education Code; or

(ii) the child's absence from the child's home without the consent of the parents or guardian for a substantial length of time or without the intent to return

(K) after the suit is filed an unrevoked or irrevocable

relinquishment of parental rights as provided by this chapter;

(L) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code or adjudicated under Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

- § 19.02 (murder); (i)
- 9.03 (capital murder) (ii) UMENT (iii)
- 21.11 (indecency (iv) with a child
- § 22.01 (assault); (v)
- § 22.011 (sexual assault); (vi)
- § 22.02 (aggravated assault); (vii)
- § 22.021 (aggravated sexual assault); (viii)
- § 22.04 (injury to a child, elderly individual, or disabled individual); (ix)
- (x) § 22.041 (abandoning or endangering a child);
- § 25.02 (prohibited sexual contact); (xi)
- § 43.25 (sexual performance by a child); and (xii)
- § 43.26 (possession or promotion of child pornography); (xiii)

had his or her parent d : (M) pect to another child rmina based on a finding that the parent's conduct was in violation of Paragraph (D) or (E) or substantially equivalent provisions of the law of another state;

(N) constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Protective and Regulatory Services or an

authorized agency for not less than six months, and: LegalFormsForTexas.Com

(i) the department or authorized agency has made reasonable efforts to return the child to the parent;

(ii) the parent has not regularly visited or maintained significant contact with the child; and

(iii) the parent has demonstrated an inability to provide the child with a safe environment;

(O) failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Protective and Regulatory Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 [Procedures in Suit by Governmental Entity] for the abuse or neglect of the child;

(P) PIER ASE DO NOT COPY (P) used a controlled substance, as defined by Chapter 481, Health and Safety Code,

a manner that endangered the health and safety of the child, and:

(i) failed to complete a court-ordered substance abuse treatment program; or

(ii) after completion of a court-ordered substance abuse treatment program, continued to abuse a controlled substance;

(Q) knowingly engaged in criminal conduct that has resulted in the parent's:

(i) conviction of an offense; and

(ii) confinement or imprisonment and inability to care for the child for not less than two years from the late of illing to pair or CUVENT

B been the cause of the child being born addicted to alcohol or a controlled substance, other than a controlled substance legally obtained by prescription, as defined by §261.001; or

(S) voluntarily delivered the child to a designated emergency infant care provider under \$262.302 without expressing an intent to return for the child; and

[or] The parent-child relationship between the child and the alleged biological

father does not exist in law or in fact. It is in the best interest of the child that the Court so decree, and such finding and decree are requested.

If any parent-child relationship does exist, has ever existed, or could ever

exist between the father or probable father and the child, which is not admitted but which is

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termination is requested. As grounds, Petitioners further allege that the father or probable father has voluntarily, and with knowledge of the pregnancy, abandoned the child's mother beginning at a time during her pregnancy with the child and continuing through the birth, 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 from the child or failed to support the child since birth.

If applicable The natural father of the child who is the subject of this suit, has the right to seek to legitimize the child the Texas Family Code. Said natural father has not sought to exercise said right after being served with citation of service of this proceeding. Accordingly, he has failed to exercise his rights under the Texas Family Code and he has therefore waived said rights. After service of citation of this proceeding, petitioners request that rights to legitimize the child be terminated because he has failed to file a petition or take any action to preserve said rights.

8.1 Petitioner/Petitioners would show the Court that a Waiver of Interest and [or] Relinquishment of Parental Rights executed by [Name of Father], the father [and/or] mother of the child, has been or will be on file with this Court by the time this case is heard.

### THANK YOU

9.1 [if in the termination proceeding, the Court will appoint a managing conservator, then a social study (Pre-Adoptive Home Screening Report and Post-Placement Adoptive Report) is required.]

9.2 Petitioners further request the Court to appoint an investigator to make and prepare a Pre-Adoptive Home Screening Report and a Post-Placement Adoptive Report into the circumstances and condition of the child, and the Petitioners, as required by Sections 107.051 through 107.056, Texas Family Code, and that the Court assess the fee or costs thereof to Petitioners.

#### 10. AD LITEM

10.1 Petitioners request the Court to find that the interests of the [child[ren] will be represented adequatery by Petitioners and are not adverse to Petitioners. Petitioner s

request that the appointment of a Guardian Ad-Litem be waived.

[or] Petitioners request the court appoint a guardian Ad Litem or an attorney Ad Litem to protect the interests of the minor child, should the Court determine that such would be in the best interest of the child. In the event any Respondent named hereinbefore should be served with citation by publication, Petitioner/Petitioners request that an attorney ad-litem be appointed to represent any Respondent served with citation by publication.

#### 11. INHERITANCE RIGHTS

11.1 It is in the best interest of the Child that the Court terminate the right of [Name of the child], to inherit from and through [terminated parent or parents' name], and such termination is requested. [Such a provision as this denies the child the right to inherit from the terminated parents. 11.2 Unless the Court specifically terminate the right of the child to inherit from his natural parents, the child retains that right even though the parental rights of the parent are terminated. This provision may well deprive the child of benefits that could accrue to

the child from the wrongful death of the terminated parent, or social security benefits, and is difficult to justify in most cases.]

#### 12. ATTORNEY'S FEES

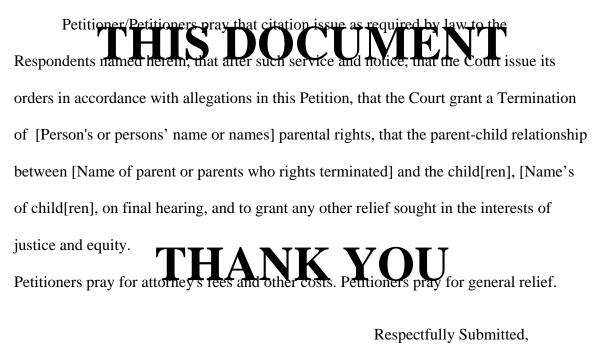
12.1 Petitioner's has/have retained the undersigned attorney, to wit: [Name of attorney for Petitioner], and Petitioners request that Respondent should be ordered to pay a reasonable attorney's fee, and a judgment should be rendered in favor of said attorney

against Respondent; or, in the alternative such reasonable attorney's fees should be taxed ordered paid directly to the undersigned attorney as costs and should be

#### 13. SEALING OF RECORDS

13.1 Petitioner/Petitioners, pursuant to the provisions of § 161.210, do hereby request the Court to order the sealing of the file and the minutes of the Court.

#### PRAYER







### PLEASE DO NOT COPY

## **THIS DOCUMENT**

### THANK YOU



day of

IN THE INTEREST OF:

On the

[CHILD'S NAME],

IN THE DISTRICT COURT OF [COUNTY NAME], TEXAS

, came on to be

[A CHILD]

\_\_\_\_ JUDICIAL DISTRICT

#### ORDER GRANTING TERMINATION OF

# PLEASE DO NOT COPY

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considered the Petition for Termination filed by Petitioner/s herein, and this cause was heard by the Court.

Appearances of Parties and Ad Litems Appointed by the Court

Petitioner/s [names of Petitioner/s] appeared in person and through attorney of record, [name of Petitioner/s attorney], and announced ready for trial.

Respondent, [name of Respondent], although duly served with citation herein, did not appear and wholly made default. [or] Respondent, [name of Respondent], waived issuance of citation by Affidavit of Relinquishment of Parental Rights, as well as notice of this hearing, which was filed herein, and did not appear in person. [or] Respondent, [name of Respondent], appeared in person and through attorney of record, [name of Respondent's attorney], and announced ready for trial.

Also appearing was [Guardian Ad Litem's name], appointed by the Court as guardian Ad Litem of the child the subject of this suit. Also appearing was [name of

attorney ad litem for parent served by publication], appointed by the Court as Attorney Ad Litem for [Respondent's Full Name], who was served citation by publication.

Jurisdiction

The Court, after examining the record and hearing the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation

# <sup>were</sup> properly cited **ASE DO NOT COPY**

A jury was waived, and all questions of fact and of law were submitted to the

Court.

Hearing Record

A record of testimony was duly recorded by the court reporter assigned to this

Court.

# Subject Child(Ten) S DOCUMENT

The Court finds that the following child[ren] is/are the subject of this suit:

NAME OF CHILD:

AGE OF CHILD: SEX OF CHILD:

BIRTH DATE:

BIRTHPLACE:

SOCIAL SECURITY NUMBER: DRIVER'S LICENSE NUMBER: YOU ISSUING STATE:

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NAME OF CHILD:

AGE OF CHILD: SEX OF CHILD:



**ISSUING STATE:** 

Termination

The Court finds by clear and convincing evidence that [Respondent's Full Name] has:

voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return; **PLEASE DO NOT COPY** 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;

voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months;

knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;

engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child;

failed to support the child in accordance with the parent's ability during a period of one year ending within six months of the date of the filing of the petition;

abandoned the child without identifying the child or furnishing means of identification, and the child's identify cannot be ascertained by the exercise of reasonable diligence;

voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child being the child in graph such covin the child and softing through the birth, 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 from the child or failed to support the child since the birth;

contumaciously refused to submit to a reasonable and lawful order of a court under Chapter 264;

been the major cause of: (I) the failure of the child to be enrolled in school as required by the Education Code; or (ii) the child's absence from the child's home without the consent of the parents of guardian for a substantial length of time or without the intent to return;

executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by the Texas Family Code;

been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code or adjudicated under Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

- (i) § 19.02 (murder);
- (ii) § 19.03 (capital murder);
- (iii) § 21.11 (indecency with a child): (iv) § 22.01 (assault): **YOU**
- (v) § 22.011 (sexual assault);

(vi) § 22.02 (aggravated assault);

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(viii) § 22.04 (injury to a child elderly individual or disabled individual);

(ix) § 22.041 (abandoning or endangering child);

(x) § 25.02 (prohibited sexual conduct);

(xi) § 43.25 (sexual performance by a child); and

(xii) § 43.26 (possession or promotion of child pornography);

had his or her parent-child relationship terminated with respect to another child

based on a finding that the parent's conduct was in violation of Paragraph (D) or (E) or substantially equivalent provisions of the law of another state;

constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Protective and Regulatory Services or an authorized agency for not less than six months, and: (I) the department or authorized agency has made reasonable efforts to return the child to the parent; (ii) the parent has not regularly visited or maintained significant contact with the child; and (iii) the parent has demonstrated an inability to provide the child with a safe environment;

failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Protective and Regulatory Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child; used a controlled substance, as defined by Chapter 481, fiealth and Safety Code:

(I) in a manner that endangered the health or safety of the child, and failed to complete a court-ordered substance abuse treatment program; or (ii) repeatedly, after completion of a

court-ordered substance treatment program in a manner that endangered the health or safety of the child;

knowingly engaged in criminal conduct that results in the parent's imprisonment and inability to care for the child for not less than two years from the date of filing the petition;

been the cause of the child being born addicted to alcohol or a controlled

substance, other than a controlled substance legally obtained by prescription, by § 261.001 of the Texas Family Code;

voluntarily left the child with an Emergency Medical Services Provider without expressing an intent to return.]

[if applicable: ]

executed an unrevoked or irrevocable affidavit of relinquishment of parental

rights as provided for by chapter 161 of the Texas Family Code (this affidavit of relinquishment is attached to this petition,

[or]

The child subject of this proceeding has no living parents. or The names and addresses of the birth parents of the child are unknown.

[or]

The parent-child relationship between the child and the alleged biological father does not exist in law or in fact. It is in the best interest of the child that the Court so decree, and such finding and decree are requested.

[or]

If any parent-child relationship does exist has ever existed, or could ever exist between the father or probable father and the child, which is not admitted but which is denied, it is in the best interest of the child that such relationship be terminated, and such termination is requested. As grounds, Petitioners further allege that the father or probable father has voluntarily, and with knowledge of the pregnancy, abandoned the child's mother beginning at a time during her pregnancy with the child and continuing through the hirth failed to provide adequate support or medical care for the mother during the period or abandonment before the birth of the child, and remained apart from the child or failed to support the child since birth.

[or]

If applicable The natural father of the child, who is the subject of this suit, has the right to seek to legitimize the child the Texas Family Code. Said natural father has not sought to exercise said right after being served with citation of service of this proceeding. Accordingly, he has failed to exercise his rights under the Texas Family Code and he has therefore waived said rights. After service of citation of this proceeding, petitioners request that rights to legitimize the child be terminated because he has failed to file a petition or take any action to preserve said rights.

[If applicable: statement regarding paternity registry:]

[Father's Name] has filed a notice of intent to claim-paternity by registering with the paternity registry under subchapter D, chapter 160, of the Texas Family Code.

[Father's Name] has provided the registry with the following address: [address, city, state].

The Court also finds by clear and convincing evidence that termination of the parent-child relationship between [Respondent's Full Name] and the child the subject of this suit is in the best interest of the child.

IT IS THEREFORE ORDERED and DECREED that the parent-child relationship between [Respondent's Full Name] and the child[ren] the subject of this suit is terminated.

### PLEASE DO NOT COPY The Court finds by clear and convincing evidence that Petitioner has filed a

verified allegation or statement regarding compliance with the Interstate Compact on the Placement of Children as required by §162.002 of the Texas Family Code.

Guardian Ad-Litem's Fees [Attorney Ad-Litem's Fees]

IT IS ORDERED that good cause exists to award [Client's Attorney] a judgment of \$[Amount of attorney fees] for legal services rendered in relation to the child and as Guardian Ad-Entent [Autorney Ad-Entent] for the child[ren] and in the nature of child support, with interest at [interest rate] percent per year compounded annually from the date the judgment is signed until paid. The judgment, for which let execution issue, is awarded against [Respondent's Full Name], Respondent.

These fees are taxed as costs, and [Respondent's Full Name], Respondent is ORDERED to pay the fees to [Guardian Ad Litem's name] by cash, cashier's check, or money order on or before [Date fees are due]. [Guardian Ad Litem's name] may enforce this order for fees in his own name.

IT IS ORDERED that costs of court are to be borne by the party who incurred then. egalFormsForTexas.Com

IT IS ORDERED that all papers and records in this case, including the minutes of **PREVIEW** 

the Court, be sealed.

All relief requested in this case and not expressly granted is denied.

Signed on \_\_\_\_\_.

Judge Presiding



[Name of attorney] Attorney for petitioner [Street address] [City, [State] Zip code] [Phone] [Facsimile] State Bar Number \_\_\_\_\_

# THIS DOCUMENT

Attorney for respondent [Street address] [City, [State] Zip code] [Phone] [Facsimile] State Bar Number

[Name of Guardian Ad-Litem] Attorney for Petitioner Texas State Bar Number [street address] [city, state, and zip] [Phone] [Facsimile] State Bar Number \_\_\_\_\_



Attorney for Respondent Texas State Bar Number [street address] [city, state and zip] [Phone] [Facsimile] State Bar Number \_\_\_\_\_

### PREVIEW

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## **THIS DOCUMENT**

### THANK YOU