



## What are the Grounds for Terminating Parental Rights?

In extreme cases, the court can terminate the rights of a parent, legally severing the relationship. The seriousness of such an action demands clear and convincing evidence that it is in the best interest of the child.

To terminate parental rights, a person, agency or institution must file a request in the chancery court of the county where the child lives. The mother, legal father and biological father become parties in the action, and the court appoints a guardian to oversee the child's interests temporarily.

Several different grounds exist for such action, including repeated abusive acts by the parent or a parent's abandonment of a child under the age of three for six months or over age three for one year.

Another scenario is when an agency has custody of a child for at least one year and tries to place the child back in the home. If the parents do not visit the child during that time or fail to fulfill their responsibilities, the agency may file for parental rights termination.

A parent's long-standing addiction to drugs or alcohol, mental illness, and severe physical disabilities that prevent fulfillment of parental duties are grounds for termination.

The court will consider such action if the parent-child relationship has largely disintegrated because of the child's apathy toward the parent or the parent's attitude or conduct toward the child, including abuse or abandonment.

Several different criminal offenses by a parent against the child can lead to termination of parental rights. These crimes include rape, sexual battery, touching a child for lustful purposes, exploitation of a child, felonious abuse or battery of a child, and carnal knowledge of a step- or adopted child or child of a cohabitating partner.

Terminating parental rights is the most extreme action a court can take. If the court believes contact between parent and child should continue, if only minimally, it can appoint legal custody or guardianship of the child to a third party.

However, if the evidence convinces the judge to terminate parental rights, that relationship is legally severed. The parent no longer has rights concerning the child, and the child is no longer the parent's legal heir. This action, however, does not affect the parental rights of the other parent.

Following the ruling, the judge places the child in the custody of an appropriate person, agency, or institution.