

# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

## PETITION FOR TERMINATION OF PARENTAL RIGHTS

*Petitioner*

*Respondent*

Name If a hearing is scheduled in this matter, will Petitioner need an interpreter? <input type="checkbox"/> Yes (If yes, specify language _____) <input type="checkbox"/> No	Name If a hearing is scheduled in this matter, will Respondent need an interpreter? <input type="checkbox"/> Yes (If yes, specify language _____) <input type="checkbox"/> No	File Number _____ ) <input type="checkbox"/> No
D.O.B.	D.O.B.	_____ ) <input type="checkbox"/> No
Street Address	Street Address	Petition Number
P.O. Box Number	P.O. Box Number	
City/State/Zip Code	City/State/Zip Code	
Home Phone Number      Work Phone Number	Home Phone Number      Work Phone Number	
Relation to Child(ren)	Relation to Child(ren)	

*2nd Petitioner (if any)*

*2nd Respondent (if any)*

Name If a hearing is scheduled in this matter, will Petitioner need an interpreter? <input type="checkbox"/> Yes (If yes, specify language _____) <input type="checkbox"/> No	Name If a hearing is scheduled in this matter, will Respondent need an interpreter? <input type="checkbox"/> Yes (If yes, specify language _____) <input type="checkbox"/> No	
D.O.B.	D.O.B.	
Street Address	Street Address	
P.O. Box Number	P.O. Box Number	
City/State/Zip Code	City/State/Zip Code	
Home Phone Number      Work Phone Number	Home Phone Number      Work Phone Number	

*Guardian Ad Litem (if any)*

Name
Street Address
P.O. Box Number
City/State/Zip Code
Home Phone Number      Work Phone Number
Attorney for Guardian Ad Litem (if any)

If a hearing is scheduled in this matter, will Guardian Ad Litem need an interpreter?  Yes (If yes, specify language \_\_\_\_\_)  No

**IN THE INTEREST OF THE FOLLOWING CHILD(REN): (Complete the table below for each child for which petitioner wants parental rights terminated. Attach additional sheets if necessary.)**

1. Complete the table below regarding the child(ren)'s parents (individuals holding parental rights)	Child's Date of Birth	Child's Place of Birth (City, State)	Child's Gender (Check one)
			<input type="checkbox"/> Male <input type="checkbox"/> Female
			<input type="checkbox"/> Male <input type="checkbox"/> Female
			<input type="checkbox"/> Male <input type="checkbox"/> Female

MOTHER \_\_\_\_\_

FATHER \_\_\_\_\_

- 2. If you do not know the name/address of the child(ren)'s mother and/or father, write in the space provided below what you have done to try to locate him/her/them.

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➤ I have attached to this Petition the following affidavits:

- Affidavit that a Party's Address is Unknown**
- Affidavit that Biological Father's Name is Unknown**
- Affidavit of Non-Disclosure** (e.g., Affidavit that mother knows the name of the biological father but is unwilling to disclose his name)

- 3. Name(s) of the person(s) or organization **having the guardianship, care, control or custody** of the child(ren): \_\_\_\_\_

Address of person(s) or organization:


- 4. Name(s) of the person(s) **to whom parental rights are sought to be transferred (i.e. proposed adoptive parent(s))** if this Petition is granted: \_\_\_\_\_

Address of person(s) or organization if address is different from address of Petitioner(s):


- 5. Proposed adoptive parent(s)' relationship to child(ren) if proposed adoptive parent is **NOT** the Petitioner: \_\_\_\_\_

- 6. I acknowledge the following is true with regards to the child(ren) named in this petition:

- Adoption of the child is possible, appropriate, and a Petition for Adoption will be filed with this Court.
- In the case where both parents' parental rights are sought to be terminated with regard to the child(ren) named in this Petition, the possibility of placement of the child with blood relatives has been explored.

Results of these efforts:

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- Each birth parent has been advised of the right to file an affidavit as provided in 13 Del. C. §§ 961-965.
- Termination of Parental Rights is in the best interests of the child.

- If there are two Respondents, both consent to the termination and transfer of their parental rights and the *Consent to Termination and Transfer of Parental Rights* for each Respondent is attached to this Petition.
- If there is only one Respondent, he/she consents to the termination and transfer of his/her parental rights and the *Consent to Termination and Transfer of Parental Rights* for that Respondent is attached to this Petition.
- If there are two Respondents, only one Respondent consents to the termination and transfer of his/her parental rights and the *Consent to Termination and Transfer of Parental Rights* for the consenting Respondent is attached to this Petition.

7. I have attached to this Petition the *Grounds for Termination of Parental Rights* for each child named above. I have indicated at least one *Ground for Termination of Parental Rights* for each child named in this petition.

_____ Petitioner	_____ Date	_____ 2 <sup>nd</sup> Petitioner (if any)	_____ Date
Sworn to subscribed before me:		Sworn to subscribed before me:	
_____ Mediator/Notary Public	_____ Date	_____ Mediator/Notary Public	_____ Date

**Affidavit of Truth**

I/We, \_\_\_\_\_ state the information in this Petition for Termination of Parental Rights is true and correct to the best of my/our knowledge.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
2<sup>nd</sup> Petitioner

SWORN TO AND SUBSCRIBED BEFORE ME on this date, \_\_\_\_\_.

\_\_\_\_\_  
Notary

# 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*. Thus, if there are 2 children, then 2 *Grounds for Termination of Parental Rights* forms MUST be completed and attached to the Petition.

NAME OF THE CHILD: \_\_\_\_\_

Indicate the grounds for Termination of Parental Rights (**Place an “X” next to the grounds that apply.**)

1. The parent(s) of the child, or the person(s) or organization holding parental rights over such child agree (consent) that this Petition should be granted.  
 A *Consent to Termination and Transfer of Parental Rights* is attached to the Petition.
2. Respondent has abandoned the child **AND** intended to abandon the child as evidenced by the fact that: (**Place an “X” next to which situation applies**)
  - a. The child is younger than 6 months old at the time of filing this Petition, Respondent FAILED to:
    - Pay reasonable prenatal, natal and postnatal expenses in accordance with Respondent’s financial means; **AND**
    - Visit regularly 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) during the year immediately before filing the Petition, Respondent(s) did FAILED to:
    - Make reasonable and consistent payments in accordance with Respondent’s financial means, for support of the child; **AND**
    - 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 months old at the time of filing this Petition **AND** Respondent has 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
3. Respondent has abandoned the child BUT did NOT intend to abandon the child because: (**Place an “X” next to which situation applies**)
  - a. For 12 consecutive months (12 months in a row) in the 18 months before filing this Petition, Respondent FAILED to:
    - Communicate or visit regularly with the child; **AND**

- File or pursue a pending Petition to establish paternity or to establish the right to have contact or visitation 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).

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

The child is not in the legal and physical custody of the other parent and Respondent is not able or willing promptly to assume legal and physical custody of the child, and to pay for the child’s support, in accordance with Respondent’s financial means.

Placing the child in Respondent’s legal and physical custody would pose a risk of substantial harm to the physical or psychological well being of the child. Respondent is unfit to maintain a relationship of “parent and child” with the child because of any of the following reasons:

- i. The circumstances of the child’s conception; **OR**
- ii. Respondent’s behavior during the mother’s pregnancy; **OR**
- iii. Respondent’s behavior after the child was born; **OR**
- iv. Respondent’s behavior with respect to other children.

Failure to grant the Petition for Termination of Parental Rights would be detrimental to the child.

4. The parent(s) of the child or any person(s) holding parental rights over such child are mentally incompetent and therefore, are unable to discharge parental responsibilities in the foreseeable future. *(The Court will select 2 qualified psychiatrists to form an opinion regarding mental incompetence and inability to discharge parental responsibilities. The Court also will appoint a licensed attorney, as Guardian Ad Litem, to represent the alleged incompetent’s interests in the proceeding) .*
5. Respondent has been found by a Court of competent jurisdiction to have: (**Place an “X” next to all that apply**)
- a. Committed a felony level offense as described in subchapter II of Chapter 5 of Title 11 against the person in which the victim was a child;
  - b. Aided or abetted, attempted, conspired or solicited to commit a felony level offense as described in subchapter II of Chapter 5 of Title 11 against the person in which the victim was a child;
  - c. Committed or attempted to commit the offense of Dealing in Children as set forth in § 1100 of Title 11.
  - d. Committed the felony level offense of endangering the welfare of a child as set forth in § 1102 of Title 11.
6. The parent(s) of the child, or any person(s) holding parental rights over the child, are not able or have failed to plan adequately for the child’s physical needs or mental and emotional health and development, and 1 or more of the following conditions has been met: (**Place an “X” next all that apply**)

a. If the child is in the care of the Department or a licensed agency:

The child has been in the care of the Department of licensed agency for a period of one year, or if the child has come into care as an infant, a period of 6 months, or there is a history of previous placement(s) of this child; **OR**

There is a history of neglect, abuse, or lack of care of the child or other children by Respondent; **OR**

Respondent is incapable of discharging parental responsibilities due to extended or repeated incarceration; **OR**

Respondent is not able or willing to assume promptly legal and physical custody of the child, and to pay for the child's support, in accordance with Respondent's financial means; **OR**

Failure to grant the Petition for Termination of Parental Rights will result in continued emotional instability or physical risk to the child.

b. If the child is in under the care of a stepparent or blood relative,

➤ the child has resided in the home of the blood relative for a period of at least 1 year, or in the case of an infant, a period of 6 months **AND**

➤ Respondent is incapable of discharging parental responsibilities, and there appears to be little likelihood that Respondent will be able to discharge such parental responsibilities in the near future.

7. Respondent's parental rights over a sibling (brother, sister, half-brother, half-sister) of the child who is the subject of the Petition have been involuntarily terminated in a prior proceeding.
8. The parent has subjected the child to torture, chronic abuse, sexual abuse, and/or life-threatening abuse.
9. The child has suffered unexplained serious physical injury under such circumstances as would indicate that such injuries resulted from the intentional conduct or willful neglect of the parent.