

# TERMINATION OF PARENTAL RIGHTS

## Abandoned Infant

<p>Three elements required:</p> <ol style="list-style-type: none"> <li>1. child less than 1 year old</li> <li>2. no parental contact with the <u>child</u> and no support</li> <li>3. although parent is able to do so</li> </ol> <p>No time period required</p>	<p>When child's identity is unknown, three elements required:</p> <ol style="list-style-type: none"> <li>1. child less than 1 year old</li> <li>2. identity of child unknown</li> <li>3. child unclaimed by parent</li> </ol> <p>No time period required</p>
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Abandoned Infant	
Unknown Identity	Identity Known
Child less than 1 year old	Child less than 1 year old
Identity of child unknown	No parental CONTACT with child and no parental SUPPORT
Child is unclaimed	Although parent is ABLE to do so
RSMo 211.447.2(2)(a)	RSMo 211.447.2(2)(b)

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
1. The child is less than one year at the time the TPR petition is filed	The child is an "infant" which is less than 1 year old when the TPR petition is filed	How old is the child now and how old will the child be when the TPR petition is filed?	Birth certificate
2. The parent has, without good cause, left the child:	The parent, absent reasonable justification, failed to do the following:	What should the parent have done? What is the parent's explanation? What services did they have access to? What were the parent's trade-offs?	
<ul style="list-style-type: none"> <li>•without support; and</li> </ul>	<p>The parent failed to support the child growing, developing, and maturing; and</p> <p><i>Note: the law says that each parent has a duty to support his/her child</i></p>	<ul style="list-style-type: none"> <li>•How long has it been since the parent paid support or made in-kind contributions for the child?</li> <li>•Or were there just a couple of times support was paid or in-kind contributions were made?</li> </ul>	<ul style="list-style-type: none"> <li>•Dates paid and amount of support paid by the parent</li> <li>•Dates and descriptions of the in-kind contributions made by parent for the child</li> <li>•Dates and reasons given by the parents explaining their failure to support the child</li> </ul>

Take notes!!!

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<ul style="list-style-type: none"> <li>Without making arrangements to visit or communicate with the child</li> </ul> <p><i>Note: the court may attach little or not weight to infrequent visits, communications or other contact</i></p>	<p>The parent failed to visit or have other contact with the child (building a relationship, nurturing and raising the child).</p> <p><i>Note: the law says that each parent has a duty to maintain the parent-child relationship</i></p>	<ul style="list-style-type: none"> <li>How long has it been since the parent visited or had any other contact with the child?</li> <li>Or were there just a couple of visits or other contact?</li> </ul>	<ul style="list-style-type: none"> <li>Dates and quality of visits</li> <li>Dates of other contacts between parent and child, including emails, phone calls, gifts, cards, letters, birthday and Christmas gifts (include descriptions of gifts and the worker or foster parents maintain cards, letters and emails)</li> <li>Dates the worker offered visits or other contacts to the parent</li> <li>Date parent notified of duty to support child and maintain parent child relationship</li> </ul>
3. Although the parent is able to do so	The parent is able to pay support, make in-kind contributions, visit and have other contacts with the child, including phone calls, letter, cards, pictures, gifts, etc.	<ul style="list-style-type: none"> <li>How is the parent able to support or communicate with the child?</li> <li>Is there a physical (ex. in a coma) or mental condition (ex. severe MR) that make the parent unable to do so?</li> <li>Has the parent been denied visits by court order or FST decision or because the parent is in jail or prison?</li> <li>Has the child been placed out of county without arrangements made to transport the child to visits?</li> </ul>	<b>See categories below for support, visits or contacts and lacks ability to do so</b>
	<b>Support</b>	<p><b>Support</b></p> <ul style="list-style-type: none"> <li>Is the parent working so that he can pay support?</li> <li>Is there a court/DSS order of support?</li> <li>How does the parent spend his money?</li> <li>What else is the parent able to afford for his/herself or others?</li> <li>What is needed to support the child growing, developing, and maturing? What has the parent provided toward those ends?</li> </ul>	<p><b>Support</b></p> <ul style="list-style-type: none"> <li>List the parent's current job, employment history and amount earned</li> <li>If the parent is not employed, document how parent is employable</li> <li>Note any observable physical disabilities or lack of disabilities</li> <li>Obtain from FSD/CSE copies of any support orders</li> <li>Note how the parent dresses, hair, nails, how the parent lives and spends his/her income</li> </ul>

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
		<b>Visits or Contacts</b> <ul style="list-style-type: none"> <li>▪Does the parent have a phone, cell phone or access to either?</li> <li>▪Does the parent know how to contact CD to arrange visits?</li> <li>▪Does the parent know the location of the CD office?</li> <li>▪Has the parent attended meetings, court, or other appts?</li> <li>▪Has the parent written to CD?</li> </ul>	<b>Visits or Contacts</b> <ul style="list-style-type: none"> <li>·Date and content of calls from parents to CD and CD to parents</li> <li>·Letters from the parent to CD</li> <li>·Attendance at meetings at CD</li> <li>·Attendance at court or at other service providers or other places in the community</li> </ul>
		<b>Lacks Ability to Do So</b> <ul style="list-style-type: none"> <li>▪Is there a physical or medical condition or disability that prevents the parent from paying support, visiting and having other contact with the child?</li> <li>▪Does the parent receive SSI and what is the basis of the disability?</li> <li>▪If incarcerated, was the incarcerated parent letter sent?</li> <li>▪If incarcerated, was the parent informed he/she could write letters, send drawings, etc., to the child from prison?</li> <li>▪Is there a court order, a FST decision or an out-of-county placement that prevents the parent from visiting and having other contact with the child?</li> <li>▪Were other solutions short of stopping visits considered?</li> <li>▪Once visits were stopped, were other contacts by letter, email, etc., considered?</li> </ul>	<b>Lacks Ability to Do So</b> <ul style="list-style-type: none"> <li>▪Evaluation or report on parental incompetence (ex. severe MR)</li> <li>▪Observed physical disability or obtain a medical report (ex. in a coma)</li> <li>·Letter from SSI or other SSI documentation of physical or mental disability</li> <li>·How the parent was able to communicate while in prison by phone calls or letters, etc.</li> <li>·Anytime a parent is denied visits or other contact with the child and why</li> <li>·Other solutions short of stopping visits were contemplated or tried</li> <li>·Other methods of contact with the child the parent was allowed, such as writing letters, etc.</li> </ul>

<b>SEPARATE ELEMENTS IF THE IDENTITY OF THE CHILD IS UNKNOWN</b>			
1. Child is less than 1 year old at the time of the filing of the TPR petition	The child is an "infant" which is less than 1 year old when the TPR petition is filed	If the child cannot be identified then a pediatrician will have to examine the child for age	Pediatrician examination and statement as to the age of the child
2. Identity of child is unknown and cannot be ascertained, despite diligent searching; and	Using all tools available to CD, the JO, the community, and GAL, the child remains unidentified	If the child cannot be identified despite the worker's diligent efforts, then infer from the parental conduct an intent to abandon	Document the diligent efforts made to identify the child
3. The child is unclaimed by the parent	No parent has come forward attempting to assert rights	If the parents cannot be located despite the worker's efforts, then infer from the parental conduct an intent to abandon	Document efforts made to identify/locate the parents
			September 2019

# TERMINATION OF PARENTAL RIGHTS


## Abandoned Child

Four elements required:

1. child over 1 year old
2. for the most recent 6 months
3. no parental contact with the child and no support
4. although parent is able to do so

When child's identity is unknown, four elements:

1. child over 1 year old
2. for the most recent 6 months
3. identity of child unknown
4. child unclaimed by parent

Abandoned Child		RSMo 211.447.5(1)
Unknown Identity	Identity Known	
Child over 1 year of age	Child is OVER 1 year of age	
For most RECENT 6 months	For most RECENT 6 months	
Identity of child unknown	No parental CONTACT with child and no parental SUPPORT	
Child is unclaimed	Although parent is ABLE to do so	

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
1. The child is one year or older at the time the TPR petition is filed	Requires the child to be at least 1 year old when the TPR petition is filed	How old is the child now and how old will the child be when the TPR petition is filed?	Birth certificate
2. For the most recent six months or longer	For at least the last six months before the TPR petition is filed or longer	<ul style="list-style-type: none"> <li>▪Look at the last 6 months and evaluate the number and quality of visits and contacts with the child and support paid (<i>Note: Grounds may exist, even if there are a few token contacts, visits or support</i>)</li> <li>▪Then look at the bigger picture – there may be more than 6 months without support, visits or contacts with the child</li> </ul>	Document the narrative with the summary of this analysis
3. The parent has, without good cause, left the child:	The parent, absent reasonable justification, failed to do the following:	What should the parent have done? What is the parent's explanation? What services did they have access to? What were the parent's trade-offs?	
<ul style="list-style-type: none"> <li>•without support; and</li> </ul>	The parent failed to support the child growing, developing, and maturing; and; and  <i>Note: the law says that each parent has a duty</i>	<ul style="list-style-type: none"> <li>▪Has the parent paid support or made in-kind contributions for the child in the last 6 months?</li> <li>▪Or has it been longer than that since support was paid or in-kind contributions were made?</li> <li>▪Or were there just a couple of times support was paid or in-kind contributions were made?</li> </ul>	<ul style="list-style-type: none"> <li>•Dates paid and amount of support paid by the parent</li> <li>•Dates and descriptions of the in-kind contributions made by the parent for the child</li> <li>•Dates and reasons given by the parents explaining their failure to support the child</li> </ul>

Take notes!!!

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<p>●Without making arrangements to visit or communicate with the child</p> <p><i>Note: the court may attach little or not weight to infrequent visits, communications or other contact</i></p>	<p><i>to support his/her child</i></p> <p>The parent failed to visit or have other contact with the child, including emails, phone calls, gifts, cards, letters, birthday and Christmas gifts (building a relationship, nurturing and raising the child).</p> <p><i>Note: the law says that each parent has a duty to maintain the parent-child relationship</i></p>	<p>▪Has the parent visited or had any other contact with the child in the last 6 months?</p> <p>▪Or has it been longer than 6 months?</p> <p>▪Or were there just a couple of visits or other contact in the last 6 months?</p>	<p>·Dates and quality of visits</p> <p>·Dates of other contacts between parent and child, including emails, phone calls, gifts, cards, letters, birthday and Christmas gifts (include descriptions of gifts and the worker or foster parents maintain cards, letters and emails)</p> <p>·Dates the worker offered visits or other contacts to the parent</p> <p>·Date parent notified of duty to support child and maintain parent child relationship</p>
<p>4. Although the parent is able to do so</p>	<p>The parent is able to pay support, make in-kind contributions, visit and have other contacts with the child, including phone calls, letter, cards, pictures, gifts, etc.</p>	<p>▪<u>How</u> is the parent able to support or communicate with the child?</p> <p>▪Is there a physical (ex. coma) or mental condition (ex. MR) that makes the parent unable to do so?</p> <p>▪Has the parent been denied visits by court order or FST decision or because the parent is in jail or prison?</p> <p>▪Has the child been placed out of county without arrangements made to transport the child to visits?</p>	<p>See categories below for support, visits or contacts and lacks ability to do so</p>
		<p><b>Support</b></p> <p>▪Is the parent working so that he can pay support?</p> <p>▪Is there a court/DSS order of support?</p> <p>▪How does the parent spend his money?</p> <p>▪What else is the parent able to afford for his/herself or others?</p>	<p><b>Support</b></p> <p>·List the parent's current job and employment history and amount earned</p> <p>· If the parent is not employed, document how he is employable</p> <p>·Note any observable physical disabilities or lack of physical disabilities</p> <p>· Obtain from FSD/CSE copies of any support <u>orders</u></p> <p>·Note how the parent dresses, hair, nails, how the</p>

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
			parent lives and spends his/her income
		<b>Visits or Contacts</b> <ul style="list-style-type: none"> <li>▪Does the parent have a phone, cell phone or access to either?</li> <li>▪Does the parent know how to contact CD to arrange visits?</li> <li>▪Does the parent know the location of the CD office?</li> <li>▪Has the parent attended meetings, court, or other appts?</li> <li>▪Has the parent written CD letters?</li> </ul>	<b>Visits or Contacts</b> <ul style="list-style-type: none"> <li>·Date and content of calls from parents to CD and CD to parents</li> <li>·Letters from the parent to CD</li> <li>·Attendance at meetings at CD</li> <li>·Attendance at court or at other service providers or other places in the community</li> </ul>
		<b>Lacks Ability to Do So</b> <ul style="list-style-type: none"> <li>▪Is there a physical or medical condition or disability that prevents the parent from paying support, visiting and having other contact with the child?</li> <li>▪Does the parent receive SSI and what is the basis of the disability?</li> <li>▪<i>If incarcerated, was the incarcerated parent letter sent, along with accompanying forms?</i></li> <li>▪If incarcerated, was the parent informed he/she could write letters, send drawings, etc., to the child from prison?</li> <li>▪Is there a court order, a FST decision or an out-of-county placement that prevents the parent from visiting and having other contact with the child?</li> <li>▪Were other solutions short of stopping visits considered?</li> <li>▪Once visits were stopped, were other contacts by letter, email, etc., considered?</li> </ul>	<b>Lacks Ability to Do So</b> <ul style="list-style-type: none"> <li>▪Evaluation or report on parental incompetence (ex. severe MR)</li> <li>▪Observed physical disability or obtain a medical report (ex. in a coma)</li> <li>·Letter from SSI or other SSI documentation of physical or mental disability</li> <li>·How the parent was able to communicate while in prison by phone calls or letters, etc.</li> <li>·Anytime a parent is denied visits or other contact with the child and why</li> <li>·Other solutions short of stopping visits were contemplated or tried</li> <li>·Other methods of contact with the child the parent was allowed, such as writing letters, etc.</li> </ul>
SEPARATE ELEMENTS IF THE IDENTITY OF			

THE CHILD IS UNKNOWN			
1. Child over 1 year old at the time of the filing of the TPR petition	Requires the child to be at least one year old on the date the TPR petition is filed	If there is not a birth certificate because the identity of the child is unknown, then a pediatrician will have to examine the child	Pediatrician examination and statement as to the age of the child
2. For the most recent 6 months	For the last six months before the TPR is filed or longer		
3. Identity of child is unknown and cannot be ascertained, despite diligent searching; and	Using all tools available to CD, the JO, the community, and GAL, the child remains unidentified	If the child cannot be identified despite the worker's diligent efforts, then infer from the parental conduct an intent to abandon	Document the diligent efforts made to identify the child
4. The child is unclaimed by the parent	No parent has come forward attempting to assert rights	If the parents cannot be located despite the worker's efforts, then infer from the parental conduct an intent to abandon	Document efforts made to identify/locate the parents
			September 2019



# TERMINATION OF PARENTAL RIGHTS

## Failure to Rectify: General Requirements

**This TPR ground** requires *all three elements* plus one factor:

1. Juvenile court jurisdiction for one year
2. The harmful conditions that lead to custody persist or other potentially harmful conditions exist
3. These conditions cannot be quickly corrected or the parent-child relationship deprives the child of permanency

*All four factors must be considered.*

**All four factors** must be considered:

1. Severe parental mental condition such that the parent is unable to parent the child
2. Untreatable parental chemical dependency such that the parent is unable to parent the child
3. The social services plans and extent of parental compliance
4. The success or failure of efforts to aid the parent to change

### Failure to Rectify

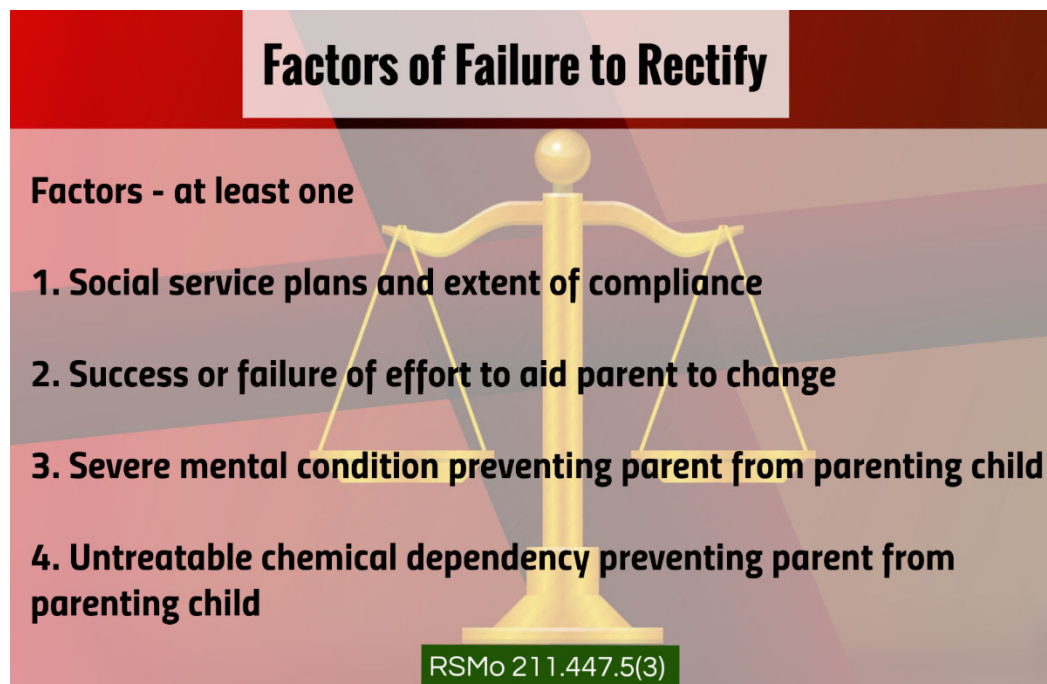
**Elements - 3 required, plus at least one factor (next slide)**

1. Juvenile court jurisdiction over child for 1 year **(AND)**
2. Harmful conditions which lead to custody STILL PERSIST **or** other potentially harmful conditions EXIST **(AND)**
3. Conditions cannot be QUICKLY corrected for reunification **or** continuation of parent-child relationship deprives child of permanency

RSMo 211.447.5(3)

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
1. The child is under juvenile court jurisdiction for at least one year; and	At least one year ago, the child was placed in protective custody or adjudicated a ward of the court, whichever came earlier	<ul style="list-style-type: none"> <li>▪When was the child placed into protective custody by law enforcement, physician or JO, or by court order; and has it been one year?</li> <li>▪Was the child placed in CD custody at the adjudication - dispositional hearing?</li> </ul>	<ul style="list-style-type: none"> <li>·PC order; and/or</li> <li>·Adjudication order</li> </ul>
2. the harmful conditions that lead to custody persist or other potentially harmful conditions exist:	See below	See below	See below
<ul style="list-style-type: none"> <li>• Conditions that led to jurisdiction</li> </ul>	All or part of the parental problems that caused the	<ul style="list-style-type: none"> <li>▪What were the underlying problems/barriers to reunification at the time of removal? (ex. drug</li> </ul>	<ul style="list-style-type: none"> <li>·Adjudication order (judgment) which includes the factual basis on which the court assumed jurisdiction;</li> </ul>

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
still persist; or	child to be abused or neglected have not been corrected and remain harmful to the child; or	problem, domestic violence, depression, low functioning parent) that resulted in abuse or neglect to the child? Initial harm and danger? AND <ul style="list-style-type: none"> <li>What services were offered to address these issues? AND</li> <li>Why did these services fail to address the issues? AND</li> <li>How are these conditions still harmful to the child?</li> </ul>	and a copy of the petition (and amendments) if the order does not set out the factual basis  <ul style="list-style-type: none"> <li>Hotline investigation</li> <li>Police report</li> <li>Medical report</li> <li>WSAs or other social service plans</li> <li>Etc.</li> </ul>
<ul style="list-style-type: none"> <li>Conditions of a potentially harmful nature continue to exist</li> </ul>	Other parental problems of a potentially harmful nature to the child which were identified after the child was removed from the home, still continue to exist	<ul style="list-style-type: none"> <li>What other underlying problems or barriers to reunification were later discovered or developed? New harm and danger? AND</li> <li>How are these conditions potentially harmful to the child? AND</li> <li>What services were offered to address these issues? AND</li> <li>Why did these services fail to address the issues?</li> </ul>	<ul style="list-style-type: none"> <li>Statements made by the parents and observations of the parent's actions by the worker and others</li> <li>WSAs or other social service plans</li> <li>Evaluations and assessments</li> </ul>
3. The conditions cannot be corrected in the near future or continuing the parent child relationship deprives the child of permanency:	See below	See below	See below
<ul style="list-style-type: none"> <li>There is little likelihood the conditions can be remedied at an early date; or</li> </ul>	The parent is not able to correct the identified problems in the near future; or	What other services are available to the parent to correct these problems? Why can't the parent correct the identified problems in the near future?	<ul style="list-style-type: none"> <li>Statements made by the parents and observations of the parent's actions by the worker and others</li> <li>WSAs or other social service plans</li> <li>Efforts made by CD to remedy concerning behavior</li> </ul>
<ul style="list-style-type: none"> <li>That continuation of the parental</li> </ul>	Continuing the parental relationship prevents the	How does the parent-child relationship negatively impact the child's behaviors such that	Documentation of the impact of the continuing parent-child relationship on the behaviors of the child

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
relationship diminishes the child's prospects for early integration into a stable and permanent home	child from having a permanent and stable home in the near future	<p>finding a permanent home will not be possible until the child is legally freed for adoption?</p> <ul style="list-style-type: none"> <li>▪How long has the child been in his current placement?</li> <li>▪Will the placement provider(s) adopt if the child should be legally freed from the parent?</li> </ul>	<p>including how and why</p> <ul style="list-style-type: none"> <li>·The length of the child's placement in a stable and permanent home</li> <li>·The willingness of the care givers to adopt should the child be legally freed for adoption</li> </ul>
<p>The court must consider all four factors and find that at least one factor supports TPR:</p> <ol style="list-style-type: none"> <li>1.Terms of the social services plans and parental compliance</li> <li>2.Success or failure of efforts to aid the parent to change</li> <li>3.Mental condition</li> <li>4.Chemical dependency</li> </ol>	<p>The fact-based evidence must support one or more of the following factors:</p> <ol style="list-style-type: none"> <li>1.The parent failed to comply with the terms of the social service plan</li> <li>2.The parent failed to change despite the efforts of JO/CD/other agencies</li> <li>3.Parent has a severe mental condition such that parent is unable to parent</li> <li>4.The parent has an untreatable chemical dependency such that parent is unable to parent</li> </ol>	<div data-bbox="808 531 1848 1211" data-label="Complex-Block">  <p><b>Factors of Failure to Rectify</b></p> <p><b>Factors - at least one</b></p> <ol style="list-style-type: none"> <li><b>1. Social service plans and extent of compliance</b></li> <li><b>2. Success or failure of effort to aid parent to change</b></li> <li><b>3. Severe mental condition preventing parent from parenting child</b></li> <li><b>4. Untreatable chemical dependency preventing parent from parenting child</b></li> </ol> <p>RSMo 211.447.5(3)</p> </div>	
			September 2019

# TERMINATION OF PARENTAL RIGHTS

## Failure to Rectify: Mental Condition

**This TPR ground** requires *all three elements* plus one factor:

1. Juvenile court jurisdiction for one year
2. The harmful conditions that lead to custody persist or other potentially harmful conditions exist
3. These conditions cannot be quickly corrected or the parent-child relationship deprives the child of permanency

*All four factors must be considered.*

**Factor** for mental condition requires 3 elements (in addition to elements for ground)

1. a documented mental condition
2. duration: the condition is permanent or not likely to be reversed
3. Severity of effect: the condition is so severe that the parent is unable to knowingly provide the requisite care for the child

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<p>1. Parent has a documented mental condition</p> <p>2. Duration: the condition is</p> <ul style="list-style-type: none"> <li>▪ permanent; or</li> <li>▪ not likely to be Reversed</li> </ul> <p>Potential for harm exists at the time of trial, or we can show harm would arise again after trial</p>	<ul style="list-style-type: none"> <li>● A mental health professional must document the mental condition; and</li> <li>● The condition must be: permanent or irreversible with treatment; and</li> <li>● The condition must be so severe that the parent cannot knowingly parent the child (see following page for severity of effect)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Is there a psychological eval or psychiatric eval? How old will the evaluation be once the TPR hearing begins?</li> <li>▪ To help determine whether the mental condition is <u>permanent</u>, is there a psychological evaluation with an Axis II diagnosis (some Axis I diagnosis may apply)? <ul style="list-style-type: none"> <li>▪ What is the diagnosis?</li> <li>▪ What is the parent's <u>history</u> with the diagnosis or behaviors?</li> </ul> </li> <li>▪ To help determine if the condition is not likely to be reversed, is the condition <u>treatable</u>?</li> <li>▪ Did the evaluation contain recommendations for treatment?</li> <li>▪ If so, has the parent complied with treatment, failed at maintaining treatment or refused or resisted treatment?</li> <li>▪ Is the parent following the recommendations for treatment?</li> <li>▪ Is the parent consistently following the medication management required for the condition?</li> <li>▪ What happens when the parent quits taking</li> </ul>	<ul style="list-style-type: none"> <li>· The behaviors suggestion the need for the psychological evaluation and attempts to get the parent to complete it</li> <li>· The pattern of behavior as a result of the mental condition</li> <li>· Psychological evaluations</li> <li>· Therapy records</li> <li>· Treatment records</li> <li>· Hospitalization records</li> <li>· Community Support Records</li> <li>· SSI documentation</li> <li>· Past psychological and psychiatric evaluations</li> <li>· Prior treatment records</li> <li>· History (with details on diagnosis and treatment) from the parent about the mental condition for himself/herself and others in his family</li> <li>· Observations of witnesses/worker: <ul style="list-style-type: none"> <li>· The actions of the parent when not following treatment recommendations of meds, therapy and using community supports</li> <li>· Interactions of the parent with the child</li> <li>· The affect on the child of the interactions or lack thereof by the parent when not following recommendations for treatment</li> </ul> </li> </ul>

		<p>meds, quits attending therapy and quits contact with community supports?</p> <ul style="list-style-type: none"> <li>▪ Is there a pattern associated with stability, decompensating and in-patient treatment?</li> <li>▪ Is the evaluation current or is there information to update the court on the parent's diagnosis?</li> </ul>	<ul style="list-style-type: none"> <li>· the parental behavior patterns because of the mental condition and/or lack of treatment</li> </ul>
<p>3. Severity of effect: the condition is so severe that it prevents the parent from knowingly providing the necessary care, custody and control of the child</p>	<p>The parent's mental condition is <u>so severe</u> that it prevents the parent from knowingly provide the care, custody and control the child needs</p>	<ul style="list-style-type: none"> <li>▪ Is the mental condition so severe that it prevents the parent from caring for him/herself?</li> <li>▪ Does it take the assistance of mental health professionals, i.e., community support worker, therapist and psychiatrist for medication management, just to maintain the stability of the parent?</li> <li>▪ Can the parent care for him/herself but not maintain sufficient stability to care for a child?</li> <li>▪ Is the parent able to understand the physical, emotional and developmental needs of the child?</li> <li>▪ Does the parent lack insight or judgment because of his/her mental condition that affects the ability to care for the child?</li> </ul> <p><i>Note: must connect mental condition to potential harm to child due to inability to parent.</i></p>	<p>Observations from mental health professionals, worker or others:</p> <ul style="list-style-type: none"> <li>· how the parent is not caring for him/herself – hygiene, housing, food, clothing, mental stability</li> <li>· how much assistance the parent needs to attain and maintain stability in meeting his/her own needs</li> <li>· how the parent is minimally meeting his/her own needs but not sufficiently stable to care for a child</li> <li>· what the parent has said or what has been observed in visits or other parent-child interaction that shows a lack of ability to meet the physical, emotional or developmental needs of the child</li> <li>· how the parent lacks judgment in terms of care and custody decisions</li> <li>· how the parent lacks insight into how his/her actions affect the child or ability to care for the child</li> </ul>
<p>Other case law requirements:</p> <ul style="list-style-type: none"> <li>• Potential for harm to the child because of the mental condition</li> </ul>	<p>The parent's mental condition must have the potential to be harmful to the child</p>	<p>How has the parent's mental condition affected the parent's actions resulting in harm to the child or the potential for harm?</p>	<p>See the section above.</p>
<p>Other case law requirements:</p>	<p>There are neither relatives nor others who</p>	<ul style="list-style-type: none"> <li>▪ Are there family members or others (not foster parents) with whom the parent and child can</li> </ul>	<p>How relatives and others were:</p> <ul style="list-style-type: none"> <li>· identified and asked to assist with providing a home</li> </ul>

<ul style="list-style-type: none"> <li>• Parent cannot make arrangements for assistance in caring for the child</li> </ul>	<p>will provide a home for the parent and child and/or assist the parent with the child's care on an ongoing basis</p>	<p>reside and/or assist that parent with the child's care on an ongoing basis?</p> <ul style="list-style-type: none"> <li>▪What attempts were made to engage the family to assist the parent in the child's care?</li> </ul> <p>Describe how various relatives and other support persons assisted and what were the results?</p> <ul style="list-style-type: none"> <li>▪What is the parental pattern of instability with relationships with relatives and others?</li> </ul>	<p>for the parent and child; and/or</p> <ul style="list-style-type: none"> <li>· providing for the child's care on an ongoing basis</li> <li>· refused (give explanation); or</li> <li>· tried to assist without success for any extended period of time</li> </ul>
<p>Other case law requirements:</p> <ul style="list-style-type: none"> <li>• The ability to update the court at trial on the parent's current mental condition</li> </ul>	<p>There must be evidence at the time of trial about the current mental status of the parent through either:</p> <ul style="list-style-type: none"> <li>• Recent evaluation or</li> <li>• Update at trial</li> </ul>	<p>When was the last psychological evaluation, medication appointment or therapy session?</p> <p>Is the parent complying with medication management, therapy and community supports?</p> <p>What are the parent's recent behaviors and statements that reflect the status of their mental condition?</p>	<p>Evaluation and treatment records from psychologist, psychiatrist, therapist and community support person</p> <p>Expert to testify at trial recommended</p>
			R03/16/2011

# TERMINATION OF PARENTAL RIGHTS

## Failure to Rectify: Chemical Dependency

**This TPR ground** requires *all three elements* plus one factor:

1. Juvenile court jurisdiction for one year
2. The harmful conditions that lead to custody persist or other potentially harmful conditions exist
3. These conditions cannot be quickly corrected or the parent-child relationship deprives the child of permanency

*All four factors must be considered.*

**Factor for chemical dependency** requires 3 elements (in addition to elements for ground):

1. parent has a chemical dependency
2. which cannot be treated
3. which prevents the parent from providing the necessary care, custody and control for the child

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
1. The parent has a documented chemical dependency	The parent cannot control use and consumption of alcohol or chemicals, and is compelled to use them	<ul style="list-style-type: none"> <li>▪Is there a substance abuse assessment by a qualified professional?</li> <li>▪What is the diagnosis?</li> <li>▪which drug, or combination of drugs and /or alcohol?</li> </ul>	<ul style="list-style-type: none"> <li>·Drug and alcohol (substance abuse) assessment; and/or</li> <li>·Psychological evaluation</li> <li>Treatment records</li> </ul>
2. That cannot be treated; and	The drug or alcohol problem is untreatable	<ul style="list-style-type: none"> <li>▪Consider the following: <ul style="list-style-type: none"> <li>▪The history of drug usage</li> <li>▪Continued usage despite criminal consequences or child removal</li> <li>▪Refusal of or multiple unsuccessful treatments</li> </ul> </li> <li>▪How long has the parent used/abused drugs or alcohol?</li> <li>▪How many times has the parent attempted in/outpatient treatment and other forms of treatment? Were any successful?</li> <li>▪Did the parent follow the aftercare plan? Relapse?</li> <li>▪Did the parent refuse treatment?</li> <li>▪Has the use/abuse of drugs or alcohol resulted in criminal convictions?</li> <li>▪Is/was the parent placed on probation or incarcerated?</li> <li>▪Is there a pattern that shows the parent continues to use/abuse despite the consequences?</li> <li>▪Was the removal of the child based on actions related to the parent's drug or alcohol problem?</li> </ul>	<ul style="list-style-type: none"> <li>·History of drugs and usage</li> <li>·Dates, locations, type of treatment (inpatient, outpatient, aftercare)</li> <li>·Treatment records, especially intake, discharge and aftercare plans</li> <li>·AA/NA attendance sheets</li> <li>·Criminal activity/convictions related to the drugs/alcohol</li> <li>·Incarceration information regarding locations and dates</li> <li>·Statements made and actions observed of the parent</li> </ul>

3. The chemical dependency prevents the parent from providing the necessary care, custody and control of the child

The drug or alcohol problem prevents the parent from providing and caring for the child

Is the drug/alcohol problem so severe that the parent is unable to maintain a stable lifestyle (sobriety, employment, housing, visitation, etc.) for him/herself, let alone provide proper care and custody of the child?

How much time has the child spent in the care of others due to the parent's inpatient treatments or incarcerations?

How has/will the child be harmed by the actions of the parent due to the drug and/or alcohol problem?

What is the behavior of the parent around the child when under the influence?

·Incarceration information related to locations and dates

·Inpatient drug treatment records including intake and discharge dates

·Observations of witnesses/worker:

- The actions of the parent that prevent him/her from maintaining stable lifestyle (sobriety/employment/housing/, etc.)
- The actions of the parent that show a lack of ability to meet the physical, emotional or developmental needs of the child
- The effect on the child of the interactions or lack of by parent

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# TERMINATION OF PARENTAL RIGHTS: Failure to Rectify

## Social Service Plans and Success/Failure of Efforts

<p><b>This TPR ground</b> requires <i>all three elements</i> plus one factor:</p> <ol style="list-style-type: none"> <li>1. Juvenile court jurisdiction for one year</li> <li>2. The harmful conditions that lead to custody persist or other potentially harmful conditions exist</li> <li>3. These conditions cannot be quickly corrected or the parent-child relationship deprives the child of permanency</li> </ol> <p><i>All four factors must be considered.</i></p>	<p><b>Factor</b> on social services plans requires 2 elements (in addition to elements for ground):</p> <ol style="list-style-type: none"> <li>1. the terms of the social service plans</li> <li>2. the extent of parental compliance</li> </ol> <p><b>Factor:</b> Failure of efforts to aid parent to change has 2 elements (beyond elements for ground):</p> <ol style="list-style-type: none"> <li>1. What were efforts of CD/JO/Other Agency to remedy concerning behavior on a continuing basis and how offered services connect to providing a proper home for child</li> <li>2. Details on how those efforts have succeeded or failed</li> </ol>
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LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<b>SOCIAL SERVICE PLANS</b>			
1.Terms of the social service plans; and	What goals were the parent(s) required to complete?	What was the harm? What was the danger? What steps needed to be taken to alleviate the concerns leading to harm and danger?	WSAs, three column mapping, correspondence regarding safety goals and steps to be taken by parent, etc.
2.Extent of parental compliance	The court considers the extent of parental progress in complying	To what extent has the parent progressed or failed to comply and why? Did parent attempt to address concerns in other ways (think outside the box)	Parental progress and non-compliance What did they do right? What did they fail to do?
<b>SUCCESS OR FAILURE OF EFFORTS</b>			
The success/failure of efforts by JO/CD/other agencies on a continuing basis to assist the parent in adjusting parent's circumstances/conduct to provide proper home for child	What worked, and what didn't out of the efforts listed above by JO/CD/other agencies in aiding the parent to change so the child goes safely home safely	What specific efforts were made by CD, the JO, or other agency? How were the efforts made on an ongoing basis? How did the parent cooperate or hinder these efforts? Were the efforts successful or fail? Why? How did the efforts connect to the underlying concerning behavior?	·WSAs, three column mapping, correspondence regarding safety goals and steps to be taken by parent, etc. ·Other contacts with service providers and the parent ·Statements made and observations of parental behavioral by the worker and others

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## TERMINATION OF PARENTAL RIGHT

### Child Abused or Neglected: Abuse

**This TPR ground** requires at least one of the following four factors:

1. Abuse: severe or recurrent physical, emotional or sexual abuse
2. Neglect: child repeatedly or continuously neglected
3. Severe mental condition rendering parent unable to parent child
4. Untreatable chemical dependency rendering parent unable to parent the child **(For 3 & 4 factor analysis, go to failure to rectify)**

*All four factors must be considered.*

**Factor** for abuse requires 4 elements:

1. Acts of physical, emotional or sexual abuse
2. Which are severe or recurrent
3. Committed by a parent or other
4. On the victim child

#### Abuse

##### 1. Act of Abuse

Physical; OR Sexual;  
OR Emotional

##### 2. Occurrence

Severe OR Recurrent

##### 3. Perpetrator

Parent; OR  
Another (parent knew  
or should have known)

##### 4. Victim Child

Subject of TPR  
Child in the Family

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
1. Act(s) of abuse: <ul style="list-style-type: none"> <li>Physical; or</li> <li>Emotional; or</li> <li>Sexual</li> </ul>	The abuse falls within the definitions of physical, emotional, or sexual abuse. These are defined under our regulations	<ul style="list-style-type: none"> <li>What physical abuse took place? Review definition and ascertain if facts line up.</li> <li>What sexual abuse took place? Review definition and ascertain if facts line up.</li> <li>What emotional abuse took place? Review definition and ascertain if facts line up.</li> <li>If emotional abuse, what was the outrageous or unreasonable parental conduct?</li> </ul> <p><i>Staff may use witnesses outside of the mental health profession to present evidence that the child's injury resulted in an observable or substantial change in his behavior, emotional response, or cognition. However, it would be best practice to use a qualified mental health professional if possible.</i></p> <ul style="list-style-type: none"> <li>Was there a criminal conviction? Adjudication?</li> </ul>	<ul style="list-style-type: none"> <li>Hotline Investigation</li> <li>Police Report</li> <li>Medical Reports or Safe Exam</li> <li>Psychological evaluation or report</li> <li>Tape/transcript of CAC interview</li> <li>Pictures of the injuries</li> <li>Statements of the victims</li> <li>Statements of the witnesses</li> <li>Criminal court records:               <ul style="list-style-type: none"> <li>Information/indictment</li> <li>Docket sheets</li> <li>Judgment/sentence</li> </ul> </li> <li>Juvenile Court judgment</li> </ul>
2. Which was (were): <ul style="list-style-type: none"> <li>Severe; or</li> <li>Recurrent</li> </ul>	The abuse may be a single act of abuse which is severe; or, acts of repeated abuse to the child	<ul style="list-style-type: none"> <li>Extent of abuse? Frequency? Duration? Nature? Harm documented?</li> <li>Did each act of abuse result in marks or bruises or result in serious injury?</li> </ul>	<ul style="list-style-type: none"> <li>See above.</li> </ul>

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
Committed by: <ul style="list-style-type: none"> <li>• Parent; or</li> <li>• Another person when:               <ul style="list-style-type: none"> <li>-the parent knew of the abuse; or</li> <li>-the parent should have known of the abuse</li> </ul> </li> </ul>	The act of abuse was committed by the parent; or the parent failed to protect the child from abuse when the parent knew or should have known that the other person was committing the abuse	<ul style="list-style-type: none"> <li>▪Did the parent commit the abuse or fail to protect?</li> <li>▪If the parent failed to protect               <ul style="list-style-type: none"> <li>·what did the parent know about the abuse</li> <li>·what should the parent have known about the abuse and why should the parent have known it</li> <li>·how did the parent fail to protect</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>·Statements by the victim and other witnesses about who committed the abuse</li> <li>·Facts and circumstances surrounding how the parent knew about the abuse and failed to protect</li> <li>·Facts and circumstances surrounding how the parent should have known about the abuse and failed to protect</li> </ul>
On the victim child: <ul style="list-style-type: none"> <li>• The child in the TPR; or</li> <li>• Another child in the family</li> </ul>	Child includes this child in whose parents' rights are at issue, or any child in the family who has been abused;  Grounds to TPR on this child may exist because of abuse to another child of this family	<ul style="list-style-type: none"> <li>▪Was this child abused?</li> <li>▪Was this child removed from the home at birth because other siblings had been removed for abuse?</li> <li>▪Was any other child who was living in the home abused?</li> <li>▪Is the other abused child related by blood, adoption or marriage?</li> <li>▪Is the other abused child a stepchild or cohabitant's child?</li> </ul>	<ul style="list-style-type: none"> <li>·For the other abused child, document the name, date of birth and how that child is related or how that child is part of the family and the abuse to that child</li> <li>·See above under acts of abuse for essential documentation</li> </ul>
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# TERMINATION OF PARENTAL RIGHTS

## Child Abused or Neglected: Neglect

**This TPR ground** requires at least one of the following four factors:

1. Abuse: severe or recurrent physical, emotional or sexual abuse
2. Neglect: child repeatedly or continuously neglected
3. Severe mental condition rendering parent unable to parent child
4. Untreatable chemical dependency rendering parent unable to parent the child **(For 3 & 4 factor analysis, go to failure to rectify)**

*All four factors must be considered.*

**Factor** for neglect requires 3 elements:

1. A parent fails repeatedly or continuously
2. To provide the child with the proper or necessary care and control
3. Although physically and financially able to do so

**Neglect**

**1. Parent**  
Repeatedly; OR Continuously

**2. Fails to Provide**  
Food, clothing, shelter OR Care necessary for child's health and development  
Physical, Mental, Emotional

**3. Parent physically and financially able to do so**

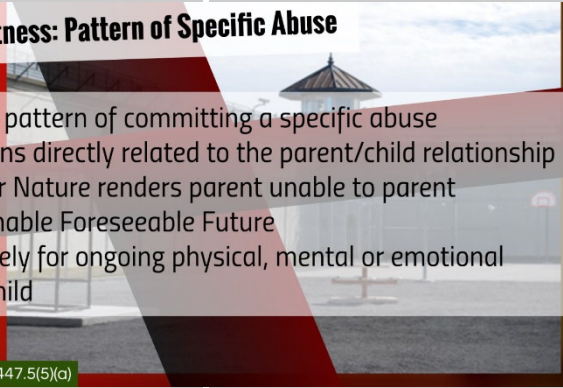
LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
1. A parent fails repeatedly or continuously	Failure has occurred more than once or persists without cessation	How many times did the parent fail to act? Was it more than a couple of times or did it happen continuously? How many times were the parent's actions failing to meet the child's needs? Was it a couple of times or did it happen continuously	Documentation show past efforts to assist the parent and prevent a failure
2. A parent fails to provide the child with			
<ul style="list-style-type: none"> <li>adequate food, clothing, shelter, or</li> </ul>	<ul style="list-style-type: none"> <li>Failed to support the child</li> <li>Failed to maintain a stable environment for the safe return of the child</li> <li>Failed to provide proper nutrition</li> <li>Failed to maintain stable residences or lifestyles</li> <li>The child failed to</li> </ul>	Did the parent pay support or make in-kind contributions? How did the parent fail to provide adequate food, clothing and shelter? How often did this happen? How was the house unsanitary and unsafe and how often did it happen? What was the effect on the child?	Child support orders Child support arrearage calculation Dates paid and amount of support paid by the parent Dates and descriptions of the in-kind contributions made by the parent for the child Dates and reasons given by the parents explaining their failure to support the child Address changes and reasons the parent gave for losing the housing Document home visits on the conditions of the home and the parents

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
	thrive Parent has an affirmative duty to support, communicate with and visit the child In re the Interest of L.N.D., SD27910 (Mo.App.S.D. 2007)		Hotline investigations Police reports Incarcerated parent letter Discussion with parent on duty to pay support
<ul style="list-style-type: none"> <li>education as defined by law; or</li> </ul>	The child failed to attend school as a result of the actions (or inactions) of the parent	<p>How did the parent fail to provide the child with education as defined by law?</p> <p>How often did it happen?</p> <p>What was the affect on the child?</p>	<p>School records/Documentation that child was not ill</p> <p>A plan book, diary, or other written record indicating subjects taught and activities engaged in;</p> <p>A portfolio of samples of the child's academic work;</p> <p>A record of evaluations of the child's academic progress;</p> <p>Or other written or credible evidence equivalent to the above documents</p>
<ul style="list-style-type: none"> <li>other care and control necessary for the child's health and development, whether <ul style="list-style-type: none"> <li>physical</li> <li>mental</li> <li>emotional</li> </ul> </li> </ul> <p>In re the Interest of L.N.D., 219 SW3d 820 (Mo.App.S.D. 2007)</p>	<ul style="list-style-type: none"> <li>Failure to maintain the parent and child relationship</li> <li>medical neglect</li> <li>any other care necessary for the child's well being</li> </ul> <p>Parent has an affirmative duty to support, communicate with and visit the child</p>	<p>What duty did the parent owe the child for the child's physical, mental or emotional health and well being?</p> <p>How did the parent fail to provide it?</p> <p>How often did this happen?</p> <p>What was the effect on the child?</p> <p>For what period of time did others provide full time care for the child and how often did that happen?</p> <p>Was it the result of incarceration?</p> <p>How many opportunities did parent have while the child was in care to visit but failed to do so?</p> <p>How often did the parent fail to provide gifts, cards, etc., for birthdays, holidays while the child has been in care?</p> <p>Interest or commitment to child shown?</p>	<p>Dates and quality of visits</p> <p>Dates of other contacts between the parent and child, including emails, phone calls, gifts, cards, letters, birthday and Christmas gifts (include description of gifts and the worker or foster parents maintain cards, letters and emails)</p> <p>Dates the worker offered visits or other contacts to the parent</p> <p>Date parent notified of duty to support child and maintain the parent child relationship</p> <p>Effects observed on the child due to lack of parental contacts</p> <p>Medical reports on the child</p> <p>Hotlines for medical neglect</p> <p>Criminal convictions</p>
3. Although physically and financially able to provide it	There are no financial or logistical barriers to the provision of childs'	<p>How is the parent physically able to meet the needs of the child?</p> <p>How is the parent financially able to meet the</p>	<p>List the parent's current job and employment history and amount earned</p> <p>If the parent is not employed, document how he is</p>

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
	needs	<p>needs of the child?</p> <p>IS the parent working so he can pay support?</p> <p>Is there a court/DSS order of support?</p> <p>How does the parent spend his money?</p> <p>What else is the parent able to afford for his /herself?</p> <p>Is there a physical or medical condition or disability that prevents the parent from paying support, visiting or other contact or makes the parent unable to care for the child?</p>	<p>employable</p> <p>Note any observable physical disabilities or lack of physical disabilities</p> <p>Note how the parent dresses, hair, nails, how the parent lives and spends his/her income</p> <p>Letter from SSI or other SSI documentation of physical or mental disability</p> <p>How the parent was able to communicate while in prison by phone calls or letters, etc.</p>
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# TERMINATION OF PARENTAL RIGHTS

## Parental Unfitness

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
(a). The parent is unfit to be a party to the parent and child relationship because of:	One of the following patterns of abuse or other specific conditions make the parent unfit to care appropriately for the child:		
<ul style="list-style-type: none"> <li>• A consistent pattern of committing a specific abuse: <ul style="list-style-type: none"> <li>• abuses defined in section 455.010</li> <li>• child abuse</li> <li>• drug abuse before the child</li> <li>• other specific abuses; <u>or</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• a consistent pattern of a specific abuse: <ul style="list-style-type: none"> <li>• adult abuse</li> <li>• child abuse</li> <li>• drug abuse before the child</li> <li>• other specific abuses</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• What is the specific abuse?</li> <li>• Who is(are) the victim(s) – adult or child?</li> <li>• How often does it happen?</li> <li>• How is the parent consistent in his/her pattern of abuse?</li> <li>• Apply these questions to the types of abuse listed below:</li> </ul>	See below for needed documentation
<div> <div> <b>Parental Unfitness: Pattern of Specific Abuse</b> <ul style="list-style-type: none"> <li>• Consistent pattern of committing a specific abuse</li> <li>• Conditions directly related to the parent/child relationship</li> <li>• Duration or Nature renders parent unable to parent</li> <li>• For Reasonable Foreseeable Future</li> <li>• Appropriately for ongoing physical, mental or emotional needs of child</li> </ul> </div> <div>  </div> </div> <div>RSMo 211.447.5(5)(a)</div>		<p><b>Adult abuse by assault, battery, coercion, harassment, sexual assault, unlawful imprisonment (including threats of each)</b></p> <ul style="list-style-type: none"> <li>• Who is the victim? An adult who is a family or household member, spouse, former spouse, adults who are or have resided together in a romantic relationship, including adults with a child in common?</li> </ul> <p><u>Assault</u>: did the parent purposely or knowingly place or attempt to place the victim in fear of physical harm?</p> <p><u>Battery</u>: did the parent purposely or knowingly cause physical harm to the victim with or without a deadly weapon?</p>	<ul style="list-style-type: none"> <li>• Adult Abuse exparte and full orders of protection</li> <li>• Criminal convictions for domestic assault in the first and second degree</li> <li>• Criminal convictions for assault in the first and second degree when the victim was a family or household member</li> <li>• LE investigative reports</li> <li>• Statements by the victim or witnesses including to the pattern, frequency and consistency</li> <li>• Observations of the worker</li> <li>• The relationship between the parent and the victim(s)</li> </ul>

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
		<p><u>Coercion</u>: did the parent compel the victim adult by force or threat of force to engage or not engage in conduct that the other person had the right to do or not to do?</p> <p><u>Harassment</u>: did the parent engage in purposeful or knowing conduct more than once that alarmed or distressed another adult and which served on legitimate purpose?</p> <p><u>Sexual assault</u>: did the parent cause or attempt to cause another adult to engage involuntarily in any sexual acts by force, threat of force or duress?</p> <p><u>Unlawful imprisonment</u>: did the parent hold, confine, detain or abduct another person against that person's will?</p>	
		<p><b>Child abuse</b></p> <ul style="list-style-type: none"> <li>▪Is the abuse physical, emotional or sexual?</li> <li>▪Were there physical injuries to the child(ren)?</li> </ul>	<ul style="list-style-type: none"> <li>·Hotline investigation</li> <li>·LE reports</li> <li>·Criminal conviction</li> <li>·Juvenile court adjudication order and judgment</li> <li>·Medical records</li> <li>·CAC interviews</li> <li>·Therapist or other mental health professional reports</li> </ul>
		<p><b>Drug abuse before the child</b></p> <ul style="list-style-type: none"> <li>▪What drug(s) does the parent use before the child?</li> <li>▪How often, when and where does this happen?</li> <li>▪How does the parent use the drug in front of the child?</li> </ul>	<ul style="list-style-type: none"> <li>·Hotline investigations</li> <li>·LE investigative reports</li> <li>·Statements and observations by the child and other witnesses</li> </ul>
		<p><b>Other specific abuses</b></p> <p>What other specific abuse has the parent committed?</p>	<p>Proof of commission</p>
●Specific conditions directly	Articulable conditions	▪What specific conditions of the parent directly	Document parental action or inaction and





LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<ul style="list-style-type: none"> <li>Within 8 hours after the child's birth, the <b>mother tests positive</b> for alcohol (.08 or above), or cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973; <b>AND</b></li> <li>The birth mother is the biological mother of a least one other child who was adjudicated an abused or neglected minor by the mother, <b>OR</b></li> <li>The birth mother has previously failed to complete recommended treatment services by the Children's Division through a family centered services case.</li> </ul>	<p>tested positive within 8 hours after giving birth for alcohol, cocaine, heroin, methamphetamine, a controlled substance (not provided to the mother during child birth) or a prescription medication (not provided to the mother during child birth)</p> <p>Another child of the mother has been made a ward of the court due to abuse or neglect by the mother</p> <p>The birth mother has failed to complete recommended treatment services by the Children's Division through an FCS case or AC case</p> <p>The mother must then prove that she is fit</p>	<p>What drug(s) has the mother used and tested positive for?</p> <p>Who is/are the other child(ren)?</p> <p>Is the mother the biological mother of the child(ren)?</p> <p>When was the child(ren) made ward(s) of the court?</p> <p>Was the child(ren) abused? Type?</p> <p>By whom was the child(ren) abused?</p> <p>Was the child(ren) neglected? Type?</p> <p>By whom was the child(ren) neglected?</p> <p>Has the birth mother previously tested positive for alcohol or a controlled substance?</p> <p>Has the birth mother previously been investigated/assessed by the Children's Division for abuse/neglect of a child?</p> <p>Has the Children's Division previously recommended that the mother participate in services?</p> <p>When did the Children's Division recommend that the mother participate in services?</p> <p>What type of services?</p> <p>What was the reason for the services offered to the mother?</p> <p>Did the mother participate in services offered by the Children's Division?</p> <p>Did the mother successfully complete treatment?</p> <p>Was the mother unsuccessfully discharged from treatment?</p>	<p>child</p> <p>Laboratory results</p> <p>Documented prescriptions</p> <p>Adjudication Order (certified)</p> <p>Disposition Order (certified)</p> <p>Prior CA/N history</p> <p>Children's Division documented recommendations</p> <p>Written Service Agreement/Mapping</p> <p>Substance abuse records</p>
(b)(c). A MOTHER is presumed unfit if:	The petitioner must prove that the child, at birth or	Has the child at birth or within 8 hours tested positive?	Medical Records, including hospital records pertinent to the delivery of the

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<ul style="list-style-type: none"> <li>Within 8 hours after the child's birth, the child tests positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973; <b>AND</b></li> <li>The birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother; <b>OR</b></li> <li>The mother has previously failed to complete recommended treatment services by the Children's Division through a family-centered services case</li> </ul>	<p>within 8 hours, tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance (not provided to the mother during child birth) or a prescription medication (not provided to the mother during child birth).</p> <p>Another child of the mother has been made a ward of the court due to abuse or neglect by the mother</p> <p>The birth mother has failed to complete recommended treatment services by the Children's Division through an FCS case or AC case.</p> <p>The mother must then prove that she is fit.</p>	<p>What drug(s) has the child tested positive for?</p> <p>Who is/are the other child(ren)?</p> <p>Is the mother the biological mother of the child(ren)?</p> <p>When was the child(ren) made ward(s) of the court?</p> <p>Was the child(ren) abused?</p> <p>What type of abuse?</p> <p>By whom was the child(ren) abused?</p> <p>Was the child(ren) neglected?</p> <p>What type of neglect?</p> <p>By whom was the child(ren) neglected?</p> <p>Has the birth mother previously tested positive for alcohol or a controlled substance?</p> <p>Has the birth mother previously been investigated/assessed by the Children's Division for abuse/neglect of a child?</p> <p>Has the Children's Division previously recommended that the mother participate in services?</p> <p>When did the Children's Division recommend that the mother participate in services?</p> <p>What type of services?</p> <p>What was the reason for the services offered to the mother?</p> <p>Did the mother participate in services offered by the Children's Division?</p> <p>Did the mother successfully complete treatment?</p> <p>Was the mother unsuccessfully discharged from treatment?</p>	<p>child</p> <p>Laboratory results</p> <p>Documented prescriptions</p> <p>Adjudication Order (certified)</p> <p>Disposition Order (certified)</p> <p>Prior CA/N history</p> <p>Children's Division documented recommendations</p> <p>Written Service Agreements</p> <p>Substance abuse records</p>
(b)(d). A parent is presumed unfit if:	Within 3 years immediately prior to the termination	<p>Who is/are the other child(ren)?</p> <p>Is the mother the biological mother of the</p>	Prior conviction or plea of guilty

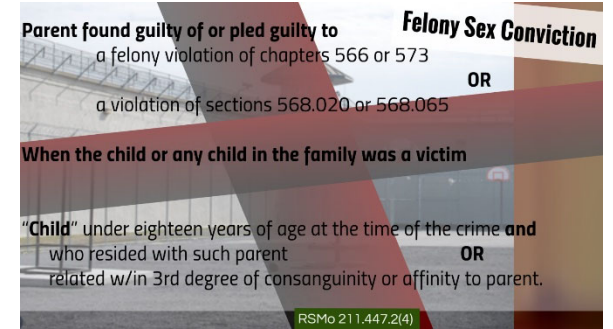
LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<ul style="list-style-type: none"> <li>Within a 3 year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine;</li> <li><b>AND</b></li> <li>The parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent;</li> <li><b>OR</b></li> <li>The parent has previously failed to complete recommended treatment services by the Children's Division through a family-centered services case</li> </ul>	<p>hearing, the petitioner can meet the burden of proof with evidence of the prior conviction or plea of guilty of the mother or father.</p> <p>Another child of the mother or father has been made a ward of the court due to abuse or neglect by the mother or father</p> <p>The parent has failed to complete recommended treatment services by the Children's Division through an FCS case or AC case.</p> <p>The parent must then prove that she/he is fit.</p>	<p>child(ren)?</p> <p>Is the father the biological father of the child(ren)?</p> <p>When was the child(ren) made ward(s) of the court?</p> <p>Was the child(ren) abused?</p> <p>What type of abuse?</p> <p>By whom was the child(ren) abused?</p> <p>Was the child(ren) neglected?</p> <p>What type of neglect?</p> <p>By whom was the child(ren) neglected?</p> <p>Has the mother/father previously tested positive for alcohol or a controlled substance?</p> <p>Has the mother/father previously been investigated/assessed by the Children's Division for abuse/neglect of a child?</p> <p>Has the Children's Division previously recommended that the mother/father participate in services?</p> <p>When?</p> <p>What type of services?</p> <p>What was the reason for the services offered to the mother/father?</p> <p>Did the mother/father participate in services offered by the Children's Division?</p> <p>Did the mother/father successfully complete treatment?</p> <p>Was the mother/father unsuccessfully discharged from treatment?</p>	<p>Adjudication Order (certified)</p> <p>Disposition Order (certified)</p> <p>Prior CA/N history certified copy</p> <p>Children's Division documented recommendations</p> <p>Written Service Agreements</p> <p>Substance abuse records</p>
			R. 9/2015

# TERMINATION OF PARENTAL RIGHTS

## Felony Sex Convictions

**This TPR ground** has two elements:

1. Felony Sex Conviction
2. Child Victim

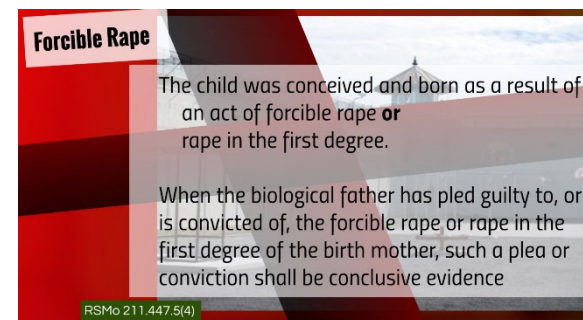


LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
1. Parent pled guilty or was found guilty of certain sex crimes under <ul style="list-style-type: none"> <li>Chapter 566 felonies; or</li> <li>Section 568.202</li> </ul>	The parent of the child who is the subject of this TPR pled guilty or was found guilty of a felony sex crime under chapter 566 or of section 568.202	Did the parent plead guilty to or was the parent found guilty after a trial of a felony sex crime involving a child victim?  <i>Remember, SIS and arrest is not enough</i>	Criminal information or indictment (and amendments) Sentencing and judgment Court docket sheets (not case net) Law enforcement report
2. Where the victim was: The child in the TPR; or  Another child in the family: <ul style="list-style-type: none"> <li>Under age 18 at the time of the crime; and</li> <li>Resided with such parent; and</li> </ul> Was related within 3 <sup>rd</sup> degree of consanguinity or affinity to parent	The victim of the crime is the subject of this TPR; or  The parent victimized another child, who was under age 18 and residing with the perpetrator at the time of the crime and was the perpetrator's brother or sister, child, or niece or nephew by blood or marriage	Was the child victim the subject of this TPR?  If the victim was another child: <ul style="list-style-type: none"> <li>was the child under 18 when the crime was committed?</li> <li>was the child residing with the perpetrator at that time?</li> <li>was he/she the perpetrator's brother or sister, child, or niece or nephew by blood or marriage?</li> </ul>	Criminal information or indictment (and amendments) Sentencing and judgment Court docket sheets (not case net) Law enforcement report Someone who will testify to the relationship between perpetrator and victim
			September 2019

## TERMINATION OF PARENTAL RIGHTS

### Forcible Rape or Rape in the First Degree

**This TPR ground** has one element: Child was conceived and born as a result of an act of forcible rape or rape in the first degree.



LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<p>1. Child conceived and born as a result of an act of forcible rape or rape in the first degree</p> <p>Note: the use of both terms in this TPR ground, forcible rape and rape in the first degree, is the result of a statutory change in August 2013</p>		<ul style="list-style-type: none"> <li>▪ Was the child conceived and born as a result of forcible rape?</li> <li>▪ Was the child conceived and born as a result of rape in the first degree?</li> <li>▪ Is the father the biological father of the child?</li> <li>▪ Did the father plead guilty or was he convicted of forcible rape or rape in the first degree?                             <ul style="list-style-type: none"> <li>▪ If not, who will testify to the rape?</li> </ul> </li> </ul> <p>Note: if the biological father of the child pled guilty or was convicted, that is conclusive proof of TPR</p>	<ul style="list-style-type: none"> <li>· Birth certificate</li> <li>· Paternity testing</li> <li>· Information or indictment, sentencing and judgment and docket sheets (not case.net) of the criminal conviction</li> </ul>

September 2019

# TERMINATION OF BIOLOGICAL FATHER'S RIGHTS

## Forcible Rape or Rape in the First Degree

**This TPR ground** has one element Child was conceived and born as a result of an act of forcible rape or rape in the first degree.

**TPR of a biological father if**

- Perpetrator of forcible rape under section 566.030 as it existed prior to August 28, 2013,
- Rape in the first degree under section 566.030 resulting in the conception and birth of child.

The biological victim mother may file TPR petition

**Biological Father - Forcible Rape**

**OR**

**Court must find**

- (1) (CCC) bio father committed forcible rape or rape first degree
- (2) (CCC) Child was conceived as a result
- (3) (POE)TPR of the biological father is in best interests of child

RSMo 211.447.11

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
<p>1. Child conceived and born as a result of an act of forcible rape or rape in the first degree</p> <p>Note: the use of both terms in this TPR ground, forcible rape and rape in the first degree, is the result of a statutory change in August 2013</p>		<ul style="list-style-type: none"> <li>▪Was the child conceived and born as a result of forcible rape?</li> <li>▪Was the child conceived and born as a result of rape in the first degree?</li> <li>▪Is the father the biological father of the child?</li> <li>▪Did the father plead guilty or was he convicted of forcible rape or rape in the first degree? <ul style="list-style-type: none"> <li>▪If not, who will testify to the rape?</li> </ul> </li> </ul> <p>Mother and the child conceived and born as a result of forcible rape or rape in the first degree are entitled to obtain from the biological father certain payments, support, beneficiary designations, or other financial benefits, with mother's consent.</p> <p>Note: if the biological father of the child pled guilty or was convicted, that is conclusive proof of TPR</p>	<ul style="list-style-type: none"> <li>·Birth certificate</li> <li>·Paternity testing</li> <li>·Information or indictment, sentencing and judgment and docket sheets (not case.net) of the criminal conviction</li> </ul>

September 2019

# TERMINATION OF PARENTAL RIGHTS

## Best Interest Factors

All 7 factors must be considered, if applicable, in determining best interest.

### Best Interest Factors - POE

- Emotional ties of child to parent
- Extent of regular visits or contact (parental support)
- Extent of support (financial support)
- Efficacy of services (did we try everything?... RE!!!)
- Parental disinterest or lack of commitment to child (did they try?)
- Effect of parental felony conviction on stability of home
- Deliberate acts of parent or another that exposes child to substantial risk of physical or mental harm

RSMo 211.447.7

LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
1. Emotional ties to the birth parent	The child's emotional ties to the birth parent	How old was the child when the child came into foster care? How old is the child now? How long has the child been in foster care? How often did the parent visit and what was the quality of the visits? What is the relationship based on the quality of the interaction? Is there a negative effect on the child	What shows a connection or lack there of?  CD communication with part to support and aid emotional ties between parent and child.
2. Extent of regular visitation or other contact	How often and regularly the parent visited or had other contact with the child	How often and regularly has the parent visited or maintained other regular? Summarize the number of weekly visits the parent had v. the number to which the parent was entitled Summarize the type and amount of other contacts the parent had v. what had been offered to the parent (ex. weekly phone contact)	• Date and content of calls from parents to CD and CD to parents • Letters from the parent to CD • Attendance at meetings at CD • Attendance at court or at other service providers or other places in the community  See abandonment chart for parental support analysis
3. Extent of support of the child when financially able to do so, including while in CD custody	How much support the parent provided the child	How much support was paid? Were in-kind contributions made? Was the parent financially able to pay support? Was there a child support order in place? If	See abandonment chart for financial support analysis



LAW ELEMENTS	APPLIED MEANING	ANALYSIS	ESSENTIAL DOCUMENTATION
		so how much does the parent owe in arrearage?	
4. Whether additional services would be likely to bring about lasting parental adjustment enabling the child's return home in an ascertainable period of time	Whether there are other services besides those offered that would cause lasting parental change within a time certain so the child could safely go home	Are there any other services that the parent has not offered that the parent could benefit from by a date certain so that the child could safely be returned to the home?	Review efforts of CD, JO and Other Agency analysis
5. Parent disinterest in and lack of commitment to the child	Parental disinterest in the child and lack of commitment	What parental action or inaction demonstrated the parent's disinterest in the child and lack of commitment to the child? <ul style="list-style-type: none"> <li>▪Visitation</li> <li>▪Other contact</li> <li>▪Remembering birthdays and holidays</li> <li>▪Paying support</li> <li>▪Maintaining the parent-child relationship</li> <li>▪Working on WSA</li> </ul>	CD communication demonstrating steps parent should take to enable parent to support child and maintain relationship, and corresponding action or inaction from parent.
6. Parental felony convictions that deprive the child of a stable home for a period of years	The parent cannot provide the child a stable home because of his/her felony convictions	Is the parent incarcerated? If so, for how long? How do parole or probation conditions affect the relationship? Is there a prohibition on placement as a result of the conviction?	Criminal information or indictment (and amendments) Sentencing and judgment Court docket sheets (not case net) Law enforcement report
7. Deliberate acts which subject the child to a substantial risk of physical or mental harm committed by a parent or by another when the parent knew or should have known	The parent deliberately subjected the child to a substantial risk of physical or emotional harm	What was the substantial risk of harm to the child? How was the parent responsible for placing the child in such risk of harm?	Criminal information or indictment (and amendments) Sentencing and judgment Court docket sheets (not case net) Law enforcement report Someone who will testify to the relationship between perpetrator and victim
			September 2019