

ORDER FOR TERMINATION OF RESIDUAL PARENTAL RIGHTS

Using This Form

1. Copies
 - a. Original - to court.
 - b. First copy - to parent.
 - c. Second copy - to person or entity granted custody.
 - d. Additional copies as dictated by local practice.
2. Prepared by clerk, signed by judge.
3. Attachments
 - a. Form DC-535, NOTICE OF TERMINATION OF RESIDUAL PARENTAL RIGHTS
 - b. Form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, if used.
4. Preparation details
 - a. This form is used only when residual parental rights are terminated involuntarily. Please note that in cases which involve an entrustment agreement or where the parents have sought to be relieved of custody and authorize adoption, district court form DC-534, ORDER FOR VOLUNTARY TERMINATION OF RESIDUAL PARENTAL RIGHTS, should be used.
 - b. This form should not be used if the court does not terminate parental rights.
 - c. Only one parent should be included on each form.
 - d. More than one box corresponding to the different sections of § 16.1-283 under 1a., Data Element Numbers 11, 12, 14-18 and 2 or 3 on reverse, may be checked, based on the circumstances of the case.

ORDER FOR TERMINATION OF RESIDUAL PARENTAL RIGHTS

Data Elements, *front*

1. Insert court case number.
2. Insert date of hearing.
3. Insert court name. Check box for appropriate court.
4. Insert name of child who is the subject of the proceeding.
5. Insert date of birth of child.
6. Insert name of parent and check box to indicate whether father or mother.
7. Insert name of parent's attorney.
8. Insert name of petitioner.
9. Check one box, if applicable.
10. Insert name of attorney appointed as guardian *ad litem*.
11. Check if parental rights are being terminated pursuant to Virginia Code § 16.1-283B to document the court's findings and conclusions.
12. Check the first box if parental rights of the parent are being terminated pursuant to Virginia Code § 16.1-283C.
13. Check the box(es) to document the court's findings and conclusions.
14. Check if parental rights are being terminated pursuant to Virginia Code § 16.1-283D to document the court's findings and conclusions.
15. Check if parental rights are being terminated pursuant to Virginia Code § 16.1-283 E (i) to document the court's findings and conclusions.
16. Check if parental rights are being terminated pursuant to Virginia Code § 16.1-283E(ii) to document the court's findings and conclusions.

ORDER FOR INVOLUNTARY TERMINATION OF RESIDUAL PARENTAL RIGHTS

Commonwealth of Virginia Va. Code § 16.1-283

Case No. **1**

..... **2**
DATE OF HEARING

Circuit Court

Juvenile and Domestic Relations District Court

..... **3**

In re: **4**
NAME OF CHILD

..... **5**
DATE OF BIRTH

..... **6**
NAME OF PARENT (FATHER MOTHER)

..... **7**
PARENT'S ATTORNEY

..... **8**, **Petitioner**, alleges that the above-named child comes within the jurisdiction of the Juvenile and Domestic Relations District Court law. The parties have been informed of their right to representation by a lawyer. Due notice of the proceedings has been given to the parties by the court. **If no summons or notification is required pursuant to Virginia Code § 16.1-263, I, the undersigned judge, certify that the identity of the father mother guardian is not reasonably ascertainable.**

..... **10** **9** was appointed by the Court as guardian ad litem for the child.
NAME OF ATTORNEY

A foster care plan, which documents termination of parental rights as being in the best interests of the child, has been filed pursuant to Virginia Code § 16.1-281 and has been approved by the Court.

1. Having heard the evidence and determined that the child comes within the jurisdiction of this court, the Court finds, based upon clear and convincing evidence, that:

11
a. **Va. Code § 16.1-283 B**

- The neglect or abuse suffered by such child presents a serious and substantial threat to his or her life, health or development; and
- It is not reasonably likely that the conditions which resulted in such neglect or abuse can be substantially corrected or eliminated so as to allow the child's safe return to his or her parent within a reasonable period of time.

12
 Va. Code § 16.1-283 C

The above-named parent, without good cause, has failed to maintain continuing contact with and to provide or substantially plan for the future of the child for a period of six months after the child's placement in foster care notwithstanding the reasonable and appropriate efforts of social, medical, mental health or other rehabilitative agencies to communicate with the parent and to strengthen the parent-child relationship; or

13

The above-named parent, without good cause, has been unwilling or unable within a reasonable period of time not to exceed twelve months from the date the child was placed in foster care to remedy substantially the conditions which led to or required continuation of the child's foster care placement, notwithstanding the reasonable and appropriate efforts of social, medical, mental health or rehabilitative agencies to such end.

14
 Va. Code § 16.1-283 D

- The child was abandoned under such circumstances that either the identity or the whereabouts of the above-named parent cannot be determined; and
- The child's parent or parents, guardian or relatives have not come forward to identify such child and claim a relationship to the child within three months following the issuance of an order by the court placing the child in foster care; and
- Diligent efforts have been made to locate the child's parent without avail.

15
 Va. Code § 16.1-283 E (i)

The residual parental rights of the above-named parent to a sibling have previously been involuntarily terminated.

16
 Va. Code § 16.1-283 E (ii)

The above-named parent of the child has been convicted of an offense under the laws of this Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense and the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred or the other parent of the child.

ORDER FOR TERMINATION OF RESIDUAL PARENTAL RIGHTS

Data Elements, *reverse*

1. Insert case number.
2. Check if parental rights are being terminated under Virginia Code § 16.1-283E(iii) to document the court's findings and conclusions.
3. Check if parental rights are being terminated under Virginia Code § 16.1-283E(iv) to document the court's findings and conclusions.
4. Check applicable box(es) that corresponds to the court's findings and conclusions.
5. Insert statement of specific facts supporting conclusion checked on front of form or above.
6. Insert name of parent whose rights are being terminated.
7. Insert name of person or entity to whom the court granted custody, with address.
8. Check the applicable box if custody is transferred to relative or other interested individual. If so, complete and attach Form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY.
9. Check this box if the agency is given permission by the court to place the child for adoption after a final order has been entered.
10. Insert date on which the adoption progress report is due.
11. Check the box and complete if there are additional provisions.
12. If order is being entered by the Circuit Court and the case is being remanded to the juvenile and domestic relations district court, check box and insert the name of the locality(ies) of the involved courts.
13. Insert date of entry of order.
14. Signature of judge.

2 [] Va. Code § 16.1-283 E (iii).

The above-named parent of the child has been convicted of an offense under the laws of this Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault and the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense.

3 [] Va. Code § 16.1-283 E (iv).

The above-named parent of the child has subjected the child to aggravated circumstances.

AND, in accordance with Virginia Code § 16.1-283 G,

b. [] The child is not 14 years old or older nor is otherwise of an age of discretion.

[] The child is 14 years old or older, has a disability that reduces his or her developmental age, and is not otherwise of an age of discretion.

4

[] The child does not object to the termination of residual parental rights of the above-named parent and is: [] age 14 years old or older, or [] not age 14 years old but is otherwise of an age of discretion.

c. It is in the child's best interests that the residual parental rights of the above-named parent be terminated.

d. The Court further finds that

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2. The Court ORDERS that the residual parental rights of **6**
NAME OF PARENT
which include, but are not limited to, the right of visitation, consent to adoption and right to determine religious affiliation be terminated.

3. The Court ORDERS that the child is committed to the care and custody of **7**
PUBLIC OR PRIVATE CHILD-PLACING AGENCY OR INDIVIDUAL / ADDRESS

8 [] If legal custody of the child is transferred to a relative or other interested individual, district court form DC-559, SUPPLEMENT TO ORDER TRANSFERRING CUSTODY, is attached and incorporated in this order.

4. **9** [] The Court ORDERS that the department or agency shall have the authority to place the child for adoption and consent thereto, shall make permanent plans for the placement of the child, and shall file an Adoption Progress Report pursuant to Virginia Code § 16.1-283 F on **10**
DATE

5. **11** [] Other:

6 **12** [] This order having been entered in the **12** Circuit Court,
CITY OR COUNTY
the matter is referred pursuant to Virginia Code § 16.1-297 to the **12** Juvenile and
CITY OR COUNTY
Domestic Relations District Court for future proceedings.

This ORDER is final.

..... **13**
DATE

..... **14**
JUDGE