

**TERMINATION OF PARENTAL RIGHTS  
GROUNDS CHECKLIST**

GROUND	NOTES
<p><b>Various Types of Abandonment</b> As defined in T.C.A. §36-1-102; T.C.A. §36-1-113(g)(1) &amp; 36-1-102(1)(A)(i)</p> <p><input type="checkbox"/> <b>Willful failure to visit</b> – 4 mo. before filing petition T.C.A. §36-1-113(g)(1) &amp; T.C.A. §36-1-102(1)(A)(i)</p> <p><input type="checkbox"/> <b>Willful failure to support</b> – 4 mo. before filing petition T.C.A. §36-1-113(g)(1) &amp; T.C.A. §36-1-102(1)(A)(i)</p> <p><input type="checkbox"/> <b>Child removed from home</b>/found Dependent &amp; Neglected – Requires Placement with state or private agency and reasonable efforts finding. – <b>Parent lack of efforts &amp; concern</b> T.C.A. §36-1-113(g)(1) &amp; T.C.A. §36-1-102(1)(A)(ii)</p> <p><input type="checkbox"/> <b>Willful failure to visit or support mother</b> for 4 months <b>prior to birth</b> T.C.A. §36-1-113(g)(1) &amp; T.C.A. §36-1-102(1)(A)(iii)</p> <p><input type="checkbox"/> <b>Wanton disregard</b> – Incarceration during all or part of the 4 months preceding action and engaged in conduct that exhibits wanton disregard for child’s welfare, after parent knows child is expected or born. T.C.A. §36-1-113(g)(1) &amp; T.C.A. §36-1-102(1)(A)(iv)</p> <p><input type="checkbox"/> <b>Incarcerated and no visits</b> for 4 mo. before jail T.C.A. §36-1-113(g)(1) &amp; T.C.A. §36-1-102(1)(A)(iv)</p> <p><input type="checkbox"/> <b>Incarcerated and no support</b> for 4 mo. before jail T.C.A. §36-1-113(g)(1) &amp; T.C.A. §36-1-102(1)(A)(iv)</p> <p><input type="checkbox"/> <b>Mother dropped off newborn</b> (2 weeks old or younger) T.C.A. §36-1-113(g)(1) &amp; T.C.A. §36-1-102(1)(A)(v)</p>	<p>Determine the relevant period.</p> <p>Beginning:</p> <p>Ending(day before Petition filed):</p> <hr/> <p>Last Visit:</p> <p>Last Support:</p> <p>Notes:</p>
<p><input type="checkbox"/> <b>Non-Compliance with permanency plan.</b> T.C.A. §36-1-113(g)(2)</p>	
<p><input type="checkbox"/> <b>Child removed from the home for 6 months by a Court Order in Juv. Ct. D&amp;N alleged and conditions persist</b> T.C.A. §36-1-113(g)(3)</p>	
<p><input type="checkbox"/> <b>Mental incompetence</b> T.C.A. §36-1-113(g)(8)</p>	
<p><input type="checkbox"/> <b>Failed to manifest, by act or omission,</b> an ability and willingness to personally assume legal and physical custody or financial responsibility of the child, and placing the child in the person’s legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the child. T.C.A. §36-1-113(g)(14)</p>	

	<p style="text-align: center;"><b>Various Types of Severe Child Abuse</b> As defined in T.C.A. § 37-1-102 T.C.A. § 36-1-113(g)(4)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Severe abuse or neglect</b> – Likely to cause <b>serious bodily injury or death</b>. T.C.A. §37-1-102(b)(27)(A)</li> <li><input type="checkbox"/> <b>Severe abuse or neglect</b> - Likely to cause <b>serious mental harm</b>. (Expert required) T.C.A. §37-1-102(b)(27)(B)</li> <li><input type="checkbox"/> <b>Severe abuse</b> - Trafficking for commercial sex act; aggravated rape; rape; aggravated sexual battery; promoting prostitution; rape of a child; incest; aggravated child abuse and aggravated child neglect or endangerment; especially aggravated sexual exploitation of a minor, or failure to protect. (Conviction not required) (The commission of an act toward the child prohibited by§ 39-13-309, §§ 39-13-502 - 39-13-504, § 39-13-515, § 39-13-522, § 39-13-527, § 39-13-531, § 39-13-532, § 39-15-302, § 39-15-402, § 39-17-1004, § 39-17-1005.) T.C.A. §37-1-102(b)(27)(C).</li> <li><input type="checkbox"/> <b>Severe abuse-methamphetamine</b> made in home with a child. T.C.A. §37-1-102(b)(27)(D)</li> <li><input type="checkbox"/> <b>Severe abuse - Child Ingestion of Illegal Substance And Positive Drug Screen</b> - Knowingly or with gross negligence allowing a child under eight (8) years of age to ingest an illegal substance or a controlled substance that results in the child testing positive on a drug screen, except as legally prescribed to the child. T.C.A. §37-1-102(b)(27)(E)</li> <li><input type="checkbox"/> <b>Severe abuse-Child in Structure with Controlled Substances</b>. Knowingly allowing a child to be within a structure where any of the following controlled substances are present and accessible to the child: (i) Any Schedule I controlled substance listed in § 39-17-406; (ii) Cocaine; (iii) Methamphetamine; or (iv) Fentanyl T.C.A. §37-1-102(b)(27)(F)</li> <li><input type="checkbox"/> <b>Severe Abuse – Failure to Protect</b>. The knowing failure to protect a child from severe child abuse. T.C.A. §37-1-102(b)(27)</li> </ul>	
	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Severe abuse-conviction of sex crime against a child</b>. T.C.A. §36-1-113(g)(11)(A)(ii). - <i>Other parent has standing.</i> (11)(A)(ii)(a) Aggravated rape, § 39-13-502; (11)(A)(ii)(b) Aggravated sexual battery, § 39-13-504; (11)(A)(ii)(c) Aggravated sexual exploitation of a minor § 39-17-1004 (11)(A)(ii)(d) Exp. Aggravated sexual exploitation of a minor § 39-17-1005 (11)(A)(ii)(e) Incest, § 39-15-302; (11)(A)(ii)(f) Rape, § 39-13-503; or (11)(A)(ii)(g) Rape of a child, § 39-13-522; (11)(A)(ii)( ) Trafficking for a commercial sex act, pursuant to§ 39-13-309; (11)(A)(ii)( ) Promoting prostitution, pursuant to§ 39-13-515;</li> </ul>	

	(11)(A)(ii)( ) Sexual battery by an authority figure, pursuant to§ 39-13-527; (11)(A)(ii)( ) Aggravated rape of a child, pursuant to § 39-13-531; (11)(A)(ii)( ) Statutory rape by an authority figure, pursuant to§ 39-13-532; (11)(A)(ii)( ) Aggravated child abuse and aggravated child neglect or endangerment, pursuant to § 39-15-402;	
<input type="checkbox"/>	<b>Severe Abuse</b> - Sex trafficking for commercial sex act (victim need not be a child). T.C.A. §36-1-113(g)(12).	
<input type="checkbox"/>	<b>Severe Abuse</b> - Federal or Another State Conviction for sex trafficking of a child. T.C.A. §36-1-113(g)(13).	
<input type="checkbox"/>	<b>Rape Conviction</b> (Child conceived of the rape) T.C.A. §36-1-113(g)(10)(A) <i>-Other parent has standing.</i>	
<input type="checkbox"/>	<b>Sentenced to more than two (2) years for conduct against a child.</b> T.C.A. §36-1-113(g)(5)	
<input type="checkbox"/>	<b>Sentenced to 10 years or more and child under 8 years of age</b> T.C.A. §36-1-113(g)(6)	
<input type="checkbox"/>	<b>Wrongful death or intentionally killing of the other parent.</b> Civil Liability. OR Convicted of first or second degree murder. T.C.A. §36-1-113(g)(7)	
<input type="checkbox"/>	<b>Parent or legal guardian convicted of attempted first or second degree murder of child's other parent or legal guardian.</b> T.C.A. §36-1-113(g)(15) <i>- Other parent has standing.</i>	
	<b>(g)(9) Grounds – Not for Legal Parents</b>	
<input type="checkbox"/>	<b>Failure to Support</b> - The person has failed, without good cause or excuse, to make reasonable and consistent payments for the support of the child in accordance with the child support guidelines promulgated by the department pursuant to § 36-5-101; T.C.A. §36-1-113(g)(9)(A)(i)	
<input type="checkbox"/>	<b>Failure to Seek Visitation or Visits</b> - The person has failed to seek reasonable visitation with the child, and if visitation has been granted, has failed to visit altogether, or has engaged in only token visitation, as defined in § 36-1-102; T.C.A. §36-1-113(g)(9)(A)(ii)	
<input type="checkbox"/>	<b>Failed to Manifest Ability &amp; Willingness to Assume Legal and Physical Custody</b> - The person has failed to manifest an ability and willingness to assume legal and physical custody of the child; T.C.A. §36-1-113(g)(9)(A)(iii)	
<input type="checkbox"/>	<b>Placing in Care Pose Substantial Harm</b> - Placing custody of the child in the person's legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the child; T.C.A. §36-1-113(g)(9)(A)(iv)	
<input type="checkbox"/>	<b>Failure to Establish Paternity</b> - The person has failed to file a petition to establish paternity of the child within thirty (30) days after notice of alleged paternity, or as required in § 36-2-318(j), or after making a claim of paternity pursuant to § 36-1-117(c)(2); T.C.A. §36-1-113(g)(9)(A)(v)	

### **Best interest factors**

T.C.A. §36-1-113(i)(1)

- A. Effect TPR will have on child's critical need for stability and continuity
- B. Effect a change of caretakers and physical environ. likely to have on child
- C. Whether the parent has demonstrated continuity and stability in meeting child's basic material, educational, housing & safety needs
- D. Whether parent & child have secure & healthy parental attachment (not a reasonable expectation to create.)
- E. Whether parent maintained regular visitation or contact and used it to cultivate a positive relationship with the child
- F. Whether the child is fearful of living in the parent's home
- G. Whether the parent, parent's home or others in the parent's household trigger or exacerbate the child's experience of trauma or post-traumatic symptoms
- H. Whether the child has created a healthy parental attachment with another person or persons in the absence of the parent
- I. Whether the child had emotionally significant relationships with persons other than parents and caregivers, including biological or foster siblings and the likely impact of various available outcomes on these relationships and the child's access to info. About the child's heritage.
- J. Whether the parent has demonstrated such a lasting adjustment of circumstances, conduct or conditions to make it safe and beneficial for the child to be in the home of the parent, including whether there is criminal activity in the home or by the parent or the use of alcohol, controlled substances, or controlled substance analogues which may render the parent unable to consistently care for the child in a safe and stable manner;
- K. Whether the parent has taken advantage of available programs, services, or community resources to assist in making a lasting adjustment of circumstances, conduct, or conditions;
- L. Whether the department has made reasonable efforts to assist the parent in making a lasting adjustment in cases where the child is in the custody of the department;
- M. Whether the parent has demonstrated a sense of urgency in establishing paternity of the child, seeking custody of the child, or addressing the circumstance, conduct, or conditions that made an award of custody unsafe and not in the child's best interest;
- N. Whether the parent, or other person residing with or frequenting the home of the parent, has shown brutality or physical, sexual, emotional, or psychological abuse or neglect toward the child or any other child or adult;
- O. Whether the parent has ever provided safe and stable care for the child or any other child;
- P. Whether the parent has demonstrated an understanding of the basic and specific needs required for the child to thrive;
- Q. Whether the parent has demonstrated the ability and commitment to creating and maintaining a home that meets the child's basic and specific needs and in which the child can thrive;
- R. Whether the physical environment of the parent's home is healthy and safe for the child;
- S. Whether the parent has consistently provided more than token financial support for the child; and
- T. Whether the mental or emotional fitness of the parent would be detrimental to the child or prevent the parent from consistently and effectively providing safe and stable care and supervision of the child.