

NO.

IN THE INTEREST OF

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§

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

A CHILD

_____ COUNTY, TEXAS

ORDER OF TERMINATION

1. *Date of Hearing*

On _____, 20__ the Court heard this case.

2. *Appearances*

Petitioner, PETXXX, appeared in person and through attorney of record, _____, and announced ready for trial.

Respondent, RESPYYY, has made a general appearance and has agreed to the terms of this order, as evidenced by the signatures of Respondent and attorney for Respondent appearing below [OR although duly and properly cited, did not appear and wholly made default] [OR waived issuance and service of citation by waiver duly filed and did not otherwise appear (*use this if a Voluntary Relinquishment of parental rights has been signed*).]

Also appearing was ADL1, appointed by the Court as guardian ad litem of the child the subject of this suit.

Also appearing was ADL2, appointed by the Court as attorney ad litem for RESPYYY, an indigent parent of the child, who responded in opposition to the termination.

OR

Also appearing was ADL2, appointed by the Court as attorney ad litem for RESPYYY, who received process by substituted service but did not otherwise answer.

3. *Jurisdiction*

The Court, after examining the record and hearing the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation were properly cited.

4. *Jury*

A jury was waived, and all questions of fact and of law were submitted to the Court.

5. *Record*

The record of testimony was duly reported by the court reporter _____.

6. *Child*

The Court finds that the following child is the subject of this suit:

Name:

Sex:

Birth date:

7. *Termination*

Mother.

The Court finds by clear and convincing evidence that RESPYYY has-

- a. voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;
- b. voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months; and
- c. executed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided for by chapter 161 of the Texas Family Code.

The Court also finds by clear and convincing evidence that termination of the parent-child relationship between RESPYYY and the child the subject of this suit is in the best interest of the child.

IT IS THEREFORE ORDERED that the parent-child relationship between RESPYYY and the child the subject of this suit is terminated.

Father [Use as many of the following as apply]

The Court finds by clear and convincing evidence that the parent-child relationship between the child the subject of this suit and the alleged father, _____, does not exist in law or in fact and that he has executed an affidavit of waiver of interest as to the child, including a waiver of notice and of service of citation, which affidavit is filed in this case.

The Court finds by clear and convincing evidence that _____ has—

[beginning of LIST]

voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;

voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months;

voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months;

executed an affidavit of waiver of interest that constitutes an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided for by chapter 161 of the Texas Family Code;

knowingly placed or knowingly allowed the child to remain in conditions or surroundings that endanger the physical or emotional well-being of the child;

engaged in conduct or knowingly placed the child with persons who engaged in conduct that endangers the physical or emotional well-being of the child;

failed to support the child in accordance with his ability during a period of one year ending within six months of the date of the filing of the petition;

abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence;

voluntarily, and with knowledge of the pregnancy, abandoned the child's mother beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth;

contumaciously refused to submit to a reasonable and lawful order of a court under subchapter D, chapter 261, of the Texas Family Code;

been convicted or placed on community supervision (including deferred adjudication community supervision) for being criminally responsible for the death or serious injury of a child under section [19.02/19.03/19.04/21.11/ 22.01/22.011/22.02/22.021/22.04/22.041/25.02/43.25/43.26] of the Texas Penal Code;

been adjudicated under title 3 of the Texas Family Code for conduct that caused the death or serious injury of a child and that would constitute a violation of section [19.02/19.03/19.04/21.11/22.01/22.011/22.02/22.021/22.04/ 22.041/25.02/43.25/43.26] of the Texas Penal Code;

The Court finds by clear and convincing evidence that, after being served with citation in this suit, _____, did not respond by timely filing an admission of paternity or by filing a counterclaim for paternity to be adjudicated under chapter 160 of the Texas Family Code.

[end of LIST]

The Court also finds by clear and convincing evidence that termination of the parent-child relationship, if any exists or could exist, between the alleged father and the child the subject of this suit is in the best interest of the child.

IT IS THEREFORE ORDERED that the parent-child relationship, if any exists or could exist, between - _____ and the child the subject of this suit is terminated.

8. *Inheritance Rights*

IT IS ORDERED that the right of the child to inherit from and through RESPYYY [and RESPY2] is terminated.

9. *Interstate Compact*

The Court finds by clear and convincing evidence that Petitioner has filed a verified allegation or statement regarding compliance with the Interstate Compact on the Placement of Children as required by section 162.002 of the Texas Family Code.

10. *Pre-Adoptive Home Screening*

The Court finds that a pre-adoptive home screening has been waived.

[[The following is required if a parent has voluntarily relinquished parental rights or has been personally served with notice.

11. *Medical History*

The Court finds that the medical history of the subject child is on file with the court's record as required by section 161.1031 of the Texas Family Code.]]

11. *Managing Conservator*

IT IS ORDERED that PETXXX is appointed Managing Conservator of the child the subject of this suit, the Court finding this appointment to be in the best interest of the child.

IT IS ORDERED that PETXXX shall, each twelve months after the date of this order, file with the Court a report of facts concerning the child's welfare, including the child's whereabouts and physical condition.

12. Attorney's Fees

Each party shall be responsible for his or her own attorney's fees, expenses, and costs incurred as a result of legal representation in this case.

13. Costs

IT IS ORDERED AND DECREED that costs of court are to be borne by the party who incurred them. It is noted, however, that petitioner has filed an Affidavit of Inability to Pay Costs which is specifically approved by this Court.

14. Record Sealed

IT IS ORDERED that all papers and records in this case, including the minutes of the Court, be sealed.

15. Relief Not Granted

IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

SIGNED on _____.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

_____ firm _____
_____ addr _____
_____ addr _____
Tel: (____) _____
Fax: (____) _____

By: _____
_____ atty _____
State Bar No. _____

Attorney for PETXXX

_____ firm _____
_____ addr _____
_____ addr _____
Tel:
Fax:

By: _____
[OPPOSING COUNSEL, IF ANY]
State Bar No. _____
Attorney for _____

ADL1, Guardian Ad Litem

ADL2, Attorney Ad Litem