

# Child Protective Services: Juvenile Court Placement Issues

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## 2102.20 Grounds For Termination of Parental Rights

### Discussion

The Juvenile Court has established specific conditions concerning termination of parental rights. These are found in their entirety in the Juvenile Court Code (O.C.G.A 15-11-80). Grounds for the termination of parental rights include:

- A parent's written consent;
- The parent has wantonly and willfully failed to comply with court-ordered support for a period of twelve months or longer or
- The parent has abandoned the child or left the child under circumstances that the identity of the parent is unknown and cannot be ascertained despite diligent searching, and the parent has not come forward to claim the child within three months of the child's being found.

A court determines parental misconduct or inability by finding that:

- The child is a deprived child (as defined in Code Section 15-11-2).
- The lack of proper parental care or control by the parent in question is the cause of the deprivation;
- Such cause of deprivation is likely to continue or will not likely be remedied; and
- The continued deprivation will cause or is likely to cause serious physical, mental, emotional or moral harm to the child.

In determining whether the child is without proper parental care and control, the court shall consider, without being limited to, the following:

- A medically verifiable deficiency of the parent's physical, mental or emotional health of such duration or nature as to render the parent unable to provide adequately for the physical, mental, emotional or moral conditions and needs of the child;
- Excessive use of or history of chronic, un-rehabilitated abuse of intoxicating or narcotic or dangerous drugs or controlled substances with the effect of rendering the parent incapable of providing adequately for the physical, mental, emotional or moral condition and needs of the child;
- Conviction of the parent of a felony and imprisonment therefore which has a demonstrable negative effect on the quality of the parent-child relationship;

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- Egregious conduct or evidence of past egregious conduct of the parent toward the child or another child of a physically, emotionally or sexually cruel or abusive nature;
- Physical, mental or emotional neglect of the child or evidence of past physical, mental or emotional neglect of the child or of another child by the parent; and,
- Injury or death of a sibling under circumstances, which constitute substantial evidence that such injury or death resulted from parental neglect or abuse.

In addition, to the above considerations in determining whether the parent without justifiable cause has failed significantly for a period of one year or longer, prior to the filing of the petition for termination of parental rights the court shall consider, without being limited to the following:

- Failure to develop and maintain a parental bond with the child in a meaningful, supportive manner;
- Failure to provide for the care and support of the child as required by law or judicial decree; and
- Failure to comply with a court-ordered plan designed to reunite the child with the parent(s).