

Superior Court of Washington, County of _____

Juvenile Court

Dependency of:

No:

Hearing, Findings, and Order Regarding Termination of Parent-Child Relationship

D.O.B.:

Granted (ORTPCR)

Dismissed (ORDSM)

Clerk's Action Required: Paragraph 4.1

The child is legally free. An attorney must be appointed for the child in dependency case number _____ no later than six months from today's date. (NCLF)

I. Hearing

1.1 The court held a hearing in this case on (date) _____ on a petition requesting termination of the parent-child relationship.

1.2 The following persons appeared:

- Child Child's Lawyer
- Parent 1 Parent 1's Lawyer
- Parent 2 Parent 2's Lawyer
- Guardian or Legal Custodian Guardian's or Legal Custodian's Lawyer
- Child's GAL GAL's Lawyer
- DCYF DCYF's Lawyer
- Tribal Representative Tribal Lawyer
- Interpreter for parent 1 2 Other _____
- Other _____

1.3 The court heard testimony.

II. Findings

2.1 The following received adequate service:

- Parent 1 Legal Guardian
- Parent 2 Other
- A courtesy copy of the service packet was provided to:
- GAL Child's Lawyer

2.2 Child's Indian Status: The court asked each participant on the record in this proceeding whether the participant knows or has reason to know the child is an Indian child.

The petitioner has has not made a good faith effort to determine whether the child is an Indian Child.

Based upon the following, there is not a reason to know the child is or may be an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do not apply to this proceeding:

Based upon the following information currently available to the court, the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts apply to this proceeding, or there is reason to know the child is or may be an Indian child as defined in RCW 13.38.040 and 25 U.S.C. § 1903(4), and the Federal and Washington State Indian Child Welfare Acts do apply to this proceeding, unless and until it is determined on the record that the child does not meet the definition of an Indian child: _____

Based on the following summary, the petitioner used due diligence to identify and work with the tribes of which there is reason to know the child may be a member or eligible for membership, to verify whether the child is in fact a member (or the biological parent is a member and the child is eligible for membership).

The petitioner has has not provided notice of this proceeding as required by RCW 13.38.070 and 25 U.S.C. § 1912(a) to all tribes to which the petitioner or court knows or has reason to know the child may be a member or eligible for membership if the biological parent is also a member.

[The Washington Pattern Forms Committee believes that an order terminating a parent-child relationship should receive individualized attention due to the seriousness of the proceeding. RCW 13.34.180 provides:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040 and shall allege:

- (a) That the child has been found to be a dependent child;*
- (b) That the court has entered a dispositional order pursuant to RCW 13.34.130;*
- (c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;*
- (d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;*
- (e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and*

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsections (1) through (6), the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsections (2) through (6), the petition may allege that the parent has been convicted of:

(a) murder in the first degree, murder in the second degree, or homicide by abuse as defined in Chapter 9A.32 RCW against another child of the parent;

(b) manslaughter in the first degree or manslaughter in the second degree, as defined in Chapter 9A.32 RCW against another child of the parent;

(c) attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b); or

(d) assault in the first or second degree, as defined in Chapter 9A.36 RCW, against the surviving child or another child of the parent.

RCW 13.34.190 provides:

“(1) Except as provided in subsection (2) of this section, after a hearing pursuant to RCW 13.34.110 or 13.34.130, the court may enter an order terminating all parental rights to a child only if the court finds that:

(a)(i) The allegations contained in the petition as provided in RCW 13.34.180(1) are established by clear, cogent, and convincing evidence; or

(ii) The provisions of RCW 13.34.180(1) (a), (b), (e), and (f) are established beyond a reasonable doubt and if so, then RCW 13.34.180(1) (c) and (d) may be waived. When an infant has been abandoned, as defined in RCW 13.34.030, and the abandonment has been proved beyond a reasonable doubt, then RCW 13.34.180(1) (c) and (d) may be waived; or

(iii) The allegation under RCW 13.34.180(2) is established beyond a reasonable doubt. In determining whether RCW 13.34.180(1) (e) and (f) are established beyond a reasonable doubt, the court shall consider whether one or more of the aggravated circumstances listed in

RCW 13.34.132 exist; or

(iv) The allegation under RCW 13.34.180(3) is established beyond a reasonable doubt; and

(b) Such an order is in the best interests of the child.

(2) In any proceeding under this chapter for termination of the parent-child relationship of an Indian child as defined in 25 U.S.C. Sec. 1903, no termination of parental rights may be ordered in such proceeding in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.]

RCW 13.34.200(3) provides:

An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

III. Conclusions of Law

[Individualized Conclusions of Law.]

IV. Order

4.1 The petition is denied and the termination action is dismissed with without prejudice.

4.2 The petition is granted.

4.2.1 All rights, powers, privileges, immunities, duties and obligations, including any rights to custody, control, visitation or support existing between (parent's name) _____ and (child's name) _____ are severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child.

4.2.2 Any support obligation existing prior to the effective date of this order remains in full force and effect.

4.2.3 This order does not affect the rights of a parent not named above.

4.2.4 The child is committed to the custody of:

the Department of Children, Youth, and Families (DCYF). DCYF has the power and authority granted by RCW 13.34.210.

other:

4.3 **Other:**

Dated: _____

Judge/Commissioner

Presented by:

Signature

Type or Print Name WSBA No.