



Coppock Termination of Parental Rights Grounds and Best Interest Checklist

GROUND	NOTES
<p>Various Types of Abandonment T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)</p> <p>Failure to visit. T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(i) <input type="checkbox"/> For four months before filing petition (if child is four or older). <input type="checkbox"/> or for three months before filing petition (if child is under four).</p> <p>Failure to support. T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(i) <input type="checkbox"/> For four months before filing petition (if child is four or older). <input type="checkbox"/> or for three months before filing petition (if child is under four). <input type="checkbox"/> Failure to provide a suitable home. Child removed from home and/or alleged to be dependent and neglected. Requires placement with State or private agency and reasonable efforts finding, and parent lack of efforts and concern. T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(ii) <input type="checkbox"/> Failure to visit or support mother for four months prior to birth. T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(iii)</p>	<p>Determinative period</p> <p>Age of child:</p> <p>Petition file date:</p> <p>End of determinative period is the day before the petition is filed.</p>
<p>Abandonment with Incarcerated Parent T.C.A. § 36-1-102(1)(A)(iv)(a)-(c)</p> <p><input type="checkbox"/> Currently incarcerated and no visits for four months before jail (if child is four or older). <input type="checkbox"/> Currently incarcerated and no visits for three months before jail (if child is under four). T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(iv)(a)</p> <p>When the determinative period is interrupted by other incarcerations, the determinative period is the aggregation of the first 120 days (if child is four or older) or 90 days (if child is under four) of non-incarceration immediately prior to filing action. T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(iv)(b) <input type="checkbox"/> 120 days or <input type="checkbox"/> 90 days</p> <p><input type="checkbox"/> Wanton disregard – Current incarceration. 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) and T.C.A. § 36-1-102(1)(A)(iv)(c)</p>	
<p>Voluntary Drop-Off <input type="checkbox"/> Mother dropped off newborn (child 14 days or younger). T.C.A. § 36-1-113(g)(1) and T.C.A. § 36-1-102(1)(A)(v)</p>	
<p>Post-petition Abandonment <input type="checkbox"/> If original pleading is supplemented to allege a new or additional period of time of abandonment occurring after an original pleading, each new period of abandonment constitutes an additional ground for the court’s consideration. T.C.A. § 36-1-102(1)(L)</p>	<p>File date(s):</p>

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<input type="checkbox"/> Non-compliance with permanency plan. T.C.A. § 36-1-113(g)(2)	
<input type="checkbox"/> Child removed from the home for six months by a court order – dependent and neglected alleged and conditions persist. T.C.A. § 36-1-113(g)(3)	
<input type="checkbox"/> Sentenced to more than two years for conduct against a child. T.C.A. § 36-1-113(g)(5)	
<input type="checkbox"/> Sentenced to 10 years or more and child under eight years of age at sentencing T.C.A. § 36-1-113(g)(6A)	
<input type="checkbox"/> Sentenced to six years or more and one other (g) ground satisfied T.C.A. § 36-1-113(g)(6B)	
<input type="checkbox"/> Wrongful death or intentionally killing of the other parent. Civil liability OR convicted of first- or second-degree murder of the other parent. T.C.A. § 36-1-113(g)(7)	
<input type="checkbox"/> Parent or legal guardian convicted of attempted first- or second-degree murder of child’s other parent or legal guardian.* T.C.A. § 36-1-113(g)(15) <i>*Other parent has standing.</i>	
<input type="checkbox"/> Mental incompetence T.C.A. § 36-1-113(g)(8)	
<p>Various Types of Severe Child Abuse T.C.A. § 37-1-102 and T.C.A. § 36-1-113(g)(4)</p> <input type="checkbox"/> Severe abuse or neglect – likely to cause serious bodily injury or death. T.C.A. § 37-1-102(b)(27)(A) <input type="checkbox"/> Severe abuse or neglect – likely to cause serious mental harm. (Expert required). T.C.A. § 37-1-102(b)(27)(B) <input type="checkbox"/> Severe abuse – Conviction for specific sex crimes. The commission of an act toward the child prohibited by T.C.A. § 39-13-309, T.C.A. § 39-13-502, T.C.A. § 39-13-503, T.C.A. § 39-13-504, T.C.A. § 39-13-515, T.C.A. § 39-13-522, T.C.A. § 39-13-527, T.C.A. § 39-13-531, T.C.A. § 39-13-532, T.C.A. § 39-15-302, T.C.A. § 39-15-402, T.C.A. § 39-17-1004, T.C.A. § 39-17-1005. Trafficking for commercial sex act, aggravated rape, rape, aggravated sexual battery, promoting prostitution, rape of a child, sexual battery by an authority figure, aggravated rape of a child, statutory rape by an authority figure, incest, aggravated child abuse and aggravated child neglect or endangerment, aggravated sexual exploitation of a minor, and especially aggravated sexual exploitation of a minor. T.C.A. § 37-1-102(b)(27)(C)	

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<p><input type="checkbox"/> Severe abuse – methamphetamine made in the home with a child. T.C.A. § 37-1-102(b)(27)(D)</p> <p><input type="checkbox"/> Severe abuse – child ingestion of illegal substance and positive drug screen. Knowingly or with gross negligence allowing a child under eight to ingest an illegal substance or a controlled substance with a positive test on a drug screen. T.C.A. § 37-1-102(b)(27)(E)</p> <p><input type="checkbox"/> Severe abuse – child in structure with controlled substances. Knowingly allowing a child in a structure where the following controlled substances are present and accessible to the child: (i) any Schedule I controlled substance listed in T.C.A. § 39-17-406; (ii) cocaine; (iii) methamphetamine; or (iv) fentanyl. T.C.A. § 37-1-102(b)(27)(F)</p> <p><input type="checkbox"/> Severe abuse – failure to protect. The knowing failure to protect a child from severe child abuse. T.C.A. § 37-1-102(b)(27)</p>	
<p><input type="checkbox"/> Rape conviction (child conceived of the rape) T.C.A. §36-1113(g)(10)(A) (i) Aggravated rape, pursuant to § 39-13-502; (ii) Rape, pursuant to § 39-13-503; (iii) Rape of a child, pursuant to § 39-13-522; (iv) Especially aggravated rape, pursuant to § 39-13-534; or (v) Especially aggravated rape of a child, pursuant to § 39-13-535; *Other parent has standing.</p>	
<p><input type="checkbox"/> Severe abuse – conviction of severe child sexual abuse offense toward a child. T.C.A. § 36-1-113(g)(11)(A)(ii) *Other parent has standing.</p>	
<p><input type="checkbox"/> Severe abuse – convicted of trafficking for a commercial sex act under T.C.A § 39-13-309, or an offense under the laws of another state that is substantially similar, T.C.A. § 36-1-113(g)(12)</p>	
<p><input type="checkbox"/> Severe abuse – a federal conviction or a conviction in another state for sex trafficking of a child. T.C.A. § 36-1-113(g)(13)</p>	
<p><input type="checkbox"/> Failure to manifest, by act or omission, 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>	

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<p>(g)(9) Grounds – Not for Legal Parents</p> <ul style="list-style-type: none"> <li data-bbox="258 256 1062 411"> <p><input type="checkbox"/> Failure to support. 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 T.C.A. § 36-5-101. T.C.A. § 36-1-113(g)(9)(A)(i)</p> <li data-bbox="258 436 1062 556"> <p><input type="checkbox"/> Failure to seek visitation or visits. 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 T.C.A. § 36-1-102. T.C.A. § 36-1-113(g)(9)(A)(ii)</p> <li data-bbox="258 581 1062 701"> <p><input type="checkbox"/> Failure to manifest ability and willingness to assume legal and physical custody. 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)</p> <li data-bbox="258 726 1062 846"> <p><input type="checkbox"/> Placing in care would pose substantial harm. 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)</p> <li data-bbox="258 871 1062 1025"> <p><input type="checkbox"/> Failure to establish paternity. The person has failed to file a petition to establish paternity of the child within 30 days after notice of alleged paternity, or as required in T.C.A. § 36-2-318(j), or after making a claim of paternity pursuant to T.C.A. § 36-1-117(c)(2). T.C.A. § 36-1-113(g)(9)(A)(v)</p> 	

BEST INTEREST



T.C.A. § 36-1-113(i)(1)

In determining whether termination of parental or guardianship rights is in the best interest of the child, the court shall consider all relevant and child-centered factors applicable to the particular case before the court. Those factors may include, but are not limited to, the following:

- (A)** The effect a termination of parental rights will have on the child’s critical need for stability and continuity of placement throughout the child’s minority;
- (B)** The effect a change of caretakers and physical environment is likely to have on the child’s emotional, psychological, and medical condition;
- (C)** Whether the parent has demonstrated continuity and stability in meeting the child’s basic material, educational, housing, and safety needs;

- (D)** Whether the parent and child have a secure and healthy parental attachment, and if not, whether there is a reasonable expectation that the parent can create such attachment;
- (E)** Whether the parent has maintained regular visitation or other contact with the child and used the visitation or other contact 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 posttraumatic 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 has 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 information 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 consideration of 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;
- (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.
- (2)** when considering the factors set forth in subdivision (i)(1), the prompt and permanent placement of the child in a safe environment is presumed to be in the child's best interest.