

PARENTAL RIGHTS

QUICK QUESTIONS & ANSWERS

1

WHO MAY FILE A PETITION TO TERMINATE MY PARENTAL RIGHTS?

Anyone who has a legitimate interest in the welfare of your child. This includes a relative, a foster parent, a physician, or a child welfare agency.

2

WHAT GROUNDS ARE MOST COMMONLY ALLEGED TO TERMINATE THE RIGHTS OF AN INCARCERATED PARENT?

The most common grounds alleged to be committed by incarcerated parents are that the parent has abandoned the child, that the parent's sentence is of such length that will deprive the child of a normal home for a period of years, or that the child has been in out-of-home care for a period of 15 months and the child is unlikely to reunify with the parent in the near future.

3

WHAT CONSTITUTES A LONG ENOUGH SENTENCE THAT WILL LIKELY RESULT IN MY PARENTAL RIGHTS BEING TERMINATED?

Arizona law does not have a bright line definition of when a sentence is sufficiently long to deprive a child of a normal home for a period of years and will consider each case on its particular facts. However, if your child is in DCS custody for more than 15-months, this may be sufficiently long.

4

DO CERTAIN FELONIES PROVIDE SUFFICIENT EVIDENCE THAT I AM AN UNFIT PARENT?

Yes. Under Arizona and federal law there are certain types of crimes that being convicted of them is sufficient evidence to determine you are an unfit parent. These include being convicted of murder, manslaughter of any other children you may have, and physical or sexual abuse of any other children you may have.

5

DO I HAVE THE RIGHT TO A COURT APPOINTED ATTORNEY DURING TERMINATION PROCEEDINGS?

Yes. If you are considered indigent (cannot afford an attorney), you may ask the court to appoint you one.