

SEVERANCE

X

TO PERMANENTLY TERMINATE PARENTAL RIGHTS

(Instructions and Forms)

Severance: Permanent termination of the parent-child relationship

(Arizona Revised Statutes (A.R.S.) Sections (§§) 8-531-544)

Checklist

You may use the forms and instructions in this packet if . . .

- ✓ You are a person who has a legitimate interest in the welfare of one or more children who are present in this state (or in another state if placed there by order of this court);
- ✓ You want a court order to permanently terminate the legal rights, privileges, duties and obligations between one or both parents and one or more of their children (except the right of the children to receive support and to inherit from the parent(s)), which may be necessary to make the children legally free for adoption;
- ✓ The parent or parents whose rights you want to terminate have neglected, willfully abused, or abandoned the child(ren) through failure to support and maintain reasonable contact, and/or
- ✓ The parent or parents are unable to fulfill the responsibilities of parenting due to mental illness, lack of mental capacity, or chronic drug or alcohol abuse, and there are no reasonable grounds to believe those conditions will change in the foreseeable future, and/or
- ✓ The parent(s) are deprived of civil liberties or incarcerated due to conviction of a felony of a type regarded as proving unfitness, such as a violent crime against the other parent or another child, or the sentence is so long that the child(ren) would be deprived of a normal home for a period of years,
- ✓ The person thought to be or who claims to be the father did not file a claim of paternity or a court case to establish paternity as prescribed in A.R.S. Section 8-106,
- ✓ The parent or parents have signed papers to relinquish their rights to the child(ren) to an agency or to consent to adoption,
- ✓ The identity of the parent is unknown and continues to be unknown following three months of diligent efforts to identify and locate the parent,
- ✓ The parent has had parental rights to another child terminated within the past two years for reasons identical to those to be raised in this case and unable to discharge parental duties for those same reasons,

- ✓ The parent committed a sexual assault against the petitioning parent and the child(ren) was/were conceived as a result of the sexual assault.

Read me: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

Do not copy
or file this page

Severance
To permanently terminate parental rights

Table of Contents

This packet contains court instructions and forms to file court papers to request a court order to permanently terminate, or “sever” parental rights. The documents should appear in order as shown. Items listed in **bold** are forms you will need to fill out, copy, and submit to the Court. Non-bold items are information or instruction. Do not copy or file the non-bold items.

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Procedures: How to file a Petition for Termination of Parent-Child Relationship

(A.R.S. (Arizona Revised Statutes) §§ 8-531-544, and 8-863 and sections that follow)

Please read this carefully.

There are many important steps required to pursue a private Petition for Termination of Parent-Child Relationship and this list is not comprehensive. Failing to comply with each step may result in delays or the Court dismissing the matter.

Where these documents refer to “child,” “children” or “child(ren)” it means as many children as are the subject of this process, whether one or more.

Documents Required Before the Initial Hearing on a Private Petition for Termination of Parental-Child Relationship:

1. Petition for Termination of Parent-Child Relationship (filled out and filed by you)
2. Order Setting Initial Hearing (issued by the Court after Petition is filed)
3. Notice of Initial Hearing (issued by the Court after Petition is filed)

Step 1: Properly fill out and sign the Petition for Termination of Parent-Child Relationship in black ink.

Step 2: File the Petition for Termination of Parent-Child Relationship with the Clerk of Superior Court at one of the following locations:

Durango Facility
3131 W Durango Street
Phoenix, AZ 85009

Southeast Facility
1810 S Lewis Street
Mesa, AZ 85210

OR

eFiling is an option in Juvenile Court. If you would like to eFile your Petition, please visit this link for more information:

<https://efilingonline.clerkofcourt.maricopa.gov/Web/#/>

Step 3: Wait for the Court to send you a signed Order Setting Initial Hearing.

Please Note: The Court may dismiss the Petition if it finds it does not comply with certain requirements. If that happens, Petitioner may attempt to fix the deficiencies and file with the Clerk of Superior Court another Petition for Termination of Parent-Child Relationship that complies with all requirements.

Step 4: Wait for the Court to send you a Notice of Initial Hearing.

The Notice will include the date, time, place and location where the Initial Hearing will be held.

After you have received from the Court the (1) Order Setting Initial Hearing and (2) Notice of Initial Hearing:

Step 5: Make copies and assemble your papers. You will need to make a copy of the following documents for every interested party:

- Petition for Termination of Parent-Child Relationship
- Order Setting Initial Hearing
- Notice of Initial Hearing

Once your papers are copied, assemble them into packets, with each packet containing a copy of the Petition, Order, and Notice. Assemble as many packets as needed to serve all interested parties. You must serve the three documents on:

- all parents, and if applicable, each custodian or Indian custodian,
- Tribe of any child(ren) as defined by the federal Indian Child Welfare Act, 25 U.S.C. § 1901, et seq. (and sections that follow);
- person(s) having legal custody of the child(ren);
- person(s) standing in loco parentis* to the child(ren);
- guardians ad litem of any party and
- any other individual or entity that the court orders must be served.

Step 6: Complete Service or Notice of Process as directed in the separate Service Packet.

Step 7: The Court will order that an appropriate agency or person conduct a Social Study unless it chooses to waive this requirement.

- a. Social Studies are governed by A.R.S. § 8-536 and must:
 1. Be prepared by an appropriate agency or person;
 2. Include the circumstances of the petition, the social history, the present condition of the child(ren) and parent, proposed plans for the child(ren) and other facts pertinent to the parent-child relationship;
 3. Address whether the parent-child relationship should be terminated; and
 4. Contain other information required by statute.

Step 8: The Initial Hearing.

- a. The Petitioner must attend the Initial Hearing. If the Petitioner does not personally attend the Initial Hearing, the Court may dismiss the Petition or may set a continued hearing, which will cause delay.
- b. Petitioner should file the following documents prior to the Initial Hearing:
 1. Originals of the applicable service of process documents to show the Court that service is completed;
 2. Documents showing parentage including:
 - a. a birth certificate for each child listed in the Petition;
 - b. paternity documents;
 - c. child support or custody orders or related documents;
 3. Copies of any applicable guardianship documents;
 4. Originals of any consents; waivers; relinquishments; the social study (if not waived and if prepared before the Initial Hearing)
 5. Any evidence supporting the Petitioner's request;
 6. Any other documents Petitioner may want the Court to consider.

Note:

- Failure to comply with the applicable statutes and rules may result in the initial hearing being reset or the petition dismissed.
- Unrepresented parties are encouraged to consult legal counsel. Court employees cannot provide legal advice.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Representing Self without Lawyer, or Attorney for _____



For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

In the Matter of:

(Full legal names of minor children)

Case No.: _____

(To be completed by the Court)

**PETITION for TERMINATION OF
PARENT-CHILD RELATIONSHIP**

(Severance of Parental Rights)

A.R.S. §§ 8-531-544

1. INFORMATION ABOUT PETITIONER:

Name: _____

Birth date: _____

Address: _____

Phone: _____

Email: _____

Relationship to child(ren): _____

2. INFORMATION ABOUT PARENTS:

A. Mother's name: _____

Mother's birth date: _____

Mother's address: _____

Mother's phone number: _____

Mother's email address: _____

B. Father's name: _____

Father's birth date: _____

Father's address: _____

Father's phone number: _____

Father's email address: _____

(If more than one father involved, please attach same information for all fathers.)

3. INFORMATION ABOUT the CHILD(REN):

A. Child's name: _____ male female other

Child's birth date: _____

Child's place of birth: _____

Child's address: _____

Child's phone number (or where they can be reached): _____

Child's email address: _____

Parent 1 name on birth certificate: _____

Parent 2 name on birth certificate: _____

I have attached a copy of the birth certificate

Select the appropriate box in regard to paternity of this child:

Paternity was established by birth certificate

Paternity was established by court order

I have attached a copy of the paternity order

Paternity has not been established

B. Child's name: _____ male female other

Child's birth date: _____

Child's place of birth: _____

Child's address: _____

Child's phone number (or where they can be reached): _____

Child's email address: _____

Parent 1 name on birth certificate: _____

Parent 2 name on birth certificate: _____

I have attached a copy of the birth certificate

Select the appropriate box in regard to paternity of this child:

Paternity was established by birth certificate

Paternity was established by court order

I have attached a copy of the paternity order

Paternity has not been established

C. Child's name: _____ male female other

Child's birth date: _____

Child's place of birth: _____

Child's address: _____

Child's phone number (or where they can be reached): _____

Child's email address: _____

Parent 1 name on birth certificate: _____

Parent 2 name on birth certificate: _____

I have attached a copy of the birth certificate

Select the appropriate box in regard to paternity of this child:

Paternity was established by birth certificate

Paternity was established by court order

I have attached a copy of the paternity order

Paternity has not been established

D. Child's name: _____ male female other

Child's birth date: _____

Child's place of birth: _____

Child's address: _____

Child's phone number (or where they can be reached): _____

Child's email address: _____

Parent 1 name on birth certificate: _____

Parent 2 name on birth certificate: _____

I have attached a copy of the birth certificate

Select the appropriate box in regard to paternity of this child:

Paternity was established by birth certificate

Paternity was established by court order

I have attached a copy of the paternity order

Paternity has not been established

(If more than four children are involved, please attach same information for all children.)

4. PERSON or AGENCY with Legal custody, Guardianship, acting in loco parentis (acting as a parent) or providing care for the child(ren) is:

Name: _____

Address: _____

5. COURT INTERPRETER: Will you or any person required to receive Notice need a Court Interpreter? Yes No

If "Yes," Person's name: _____

Language(s) needed: _____

Person's name: _____

Language(s) needed: _____

Person's name: _____

Language(s) needed: _____

6. JURISDICTION in Arizona is proper because the child(ren) is present in Arizona:

Yes No

If the child(ren) is not present in Arizona, jurisdiction in Arizona is proper because:

7. COURT CASES: Have there been any past court cases concerning the child(ren) in Arizona? Yes No

If "Yes," list the name of the court and the case number(s)

Have there been any past court cases concerning the child(ren) in another state?

Yes No

If "Yes," list the state, name of the court, and the case number(s)

I have attached a copy of out-of-state court orders

8. MEMBERSHIP: Is any parent or child an enrolled member of a native American tribe or nation? Yes No Uncertain

If "Yes," or "Uncertain," please explain: _____

INSTRUCTIONS: Check all the allegations below that you believe apply. If you are seeking to terminate the rights of more than one parent, attach additional information on a separate sheet of paper.

9. REASONS for terminating the parent-child relationship: The Court should terminate the parent-child relationship between the child(ren) and the Father Mother based on the following grounds:

Abandonment: The parent has abandoned the child(ren) by failing to provide reasonable support and failing to maintain regular contact with the children, including normal supervision.

Please state the facts supporting this statement: _____

Neglect/Abuse: The parent has neglected or willfully abused a child.

Please state the facts supporting this statement: _____

Incapacity: The parent is unable to discharge the parental responsibilities because of mental illness, mental deficiency or a history of chronic abuse or dangerous drugs, controlled substances or alcohol, and there are reasonable grounds to believe that the condition will continue for a prolonged, indeterminate period.

Please state the facts supporting this statement: _____

Criminal Conviction:

The parent is deprived of civil liberties due to the conviction of a felony the nature of which proves the unfitness of that parent to have future custody and control of the child(ren).

Please state the facts supporting this statement: _____

The parent is deprived of civil liberties due to the conviction of a felony and the sentence of that parent is of such length that the child(ren) will be deprived of a normal home for a period of years.

Please state the facts supporting this statement: _____

Paternity:

The potential father failed to file a paternity action within thirty (30) days of completion of service of Notice as prescribed by A.R.S. § 8-106 (G).

Please state the facts supporting this statement: _____

The putative father failed (one who registered with the state claiming to be the father) failed to file a Notice of Claim of paternity as prescribed by A.R.S. § 8-106.01.

Please state the facts supporting this statement: _____

Relinquishment or Consent: The parent has relinquished his or her right to the child(ren) to an agency or has consented to the adoption. I have attached to this Petition a copy of all applicable relinquishment(s) or consent(s).

Identity Unknown: The identity of the parent is unknown and continues to be unknown following three months of diligent efforts to identify and locate the parent.

Please state the facts supporting this statement: _____

Sexual Assault: The parent committed a sexual assault against the petitioning parent and the child(ren) was/were conceived as a result of a sexual assault.

Please state the facts supporting this statement: _____

10. BEST INTERESTS:

A. It is in the child(ren)'s best interest to have Father's and/or Mother's rights terminated.

Please state the facts supporting this statement: _____

B. Are you alleging that it is in the child(ren)'s best interest to terminate the parent's rights so that the child(ren) will be free for adoption? Yes No

If yes, explain why it is in the best interest of the child(ren) to be adopted:

Name of person(s) to adopt the child(ren): _____

Relationship to child(ren): _____

Is this person legally married to a parent of the child(ren)? Yes No

If yes, which parent are they married to? Father Mother

Date of marriage: _____

11. SOCIAL STUDY:

The social study discussed in A.R.S. § 8-536 (A) will be completed by the following agency: _____.

I request the social study discussed in A.R.S. § 8-536 (A) be waived in the best interest of the child(ren) for the following reasons: _____

RELIEF REQUESTED: Based on the above information, after Notice and a Hearing, Petitioner requests the Court issue an order which:

1. Terminate the parent-child relationship between the child(ren) and their

Father Mother

2. Appoints as the guardian of the child(ren) and vests legal custody of the child(ren) in:

3. Orders that the parent(s) whose rights are terminated shall remain obligated for child support payments until an adoption order is entered and shall remain obligated for arrearages;

4. Orders that: (State any other relief requested): _____

_____ ; and

5. Any other such orders that the Court deems just and proper.

I declare under penalty of perjury that the information provided in this document is true and correct.

Signature of Petitioner

Date

Printed Name of Petitioner

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Attorney for _____



SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

In the matter of:

Case Number: _____

WAIVER BY PARENT of NOTICE of
HEARING AND APPEARANCE on
PETITION FOR TERMINATION OF
PARENT-CHILD RELATIONSHIP

A Minor

UNDER OATH or by AFFIRMATION:

INFORMATION FROM PARENT whose rights are to be terminated

1. I, _____, am the Mother Father of the minor child(ren) named below for whom a Petition has been filed requesting permanent termination (severance) of my parental rights:

Full Name of Child	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

2. My complete name, address, and date of birth are as follows:

Name: _____

Street Address: _____

City, State, Zip Code: _____

Telephone: _____ Date of Birth: _____

Waiver of Notice

- 1. I have read the Petition for Termination of Parental Rights between myself and the minor child(ren).
- 2. I waive notice of all further proceedings in this matter. I understand that I can reverse this waiver by filing a written document with the court under this court case number declaring that I no longer waive notice of hearings and other court proceedings.
- 3. I understand that waiving notice and/or failing to participate in these court proceedings may result in a court order terminating my parent-child relationship with respect to the minor(s) listed in the Petition for Termination of Parental Rights.

Signature

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me

this: _____ by _____

(Date)

(Notarial Officer stamp or seal seal)

Deputy Clerk or Notarial Officer