

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

IN THE INTEREST OF:

Juvenile Abuse Neglect No.

Adult Respondents:

**MOTION TO TERMINATE PARENTAL
RIGHTS**

This day comes the Department of Health & Human Resources (herein after referred to as the “Department”) by the State of West Virginia and her Assistant Prosecuting Attorney, _____, with their Motion to Terminate Parental Rights as it relates to both Respondent Parents in this proceeding. As a basis for said Motion, the Department/State allege the following:

I.

_____ is the biological and legal mother of both infant children, and _____ is the biological and legal father of _____. The Father of _____ is unnamed and unknown, and has yet to be adjudicated in this proceeding.

II.

On _____ the Court adjudged both children to be abused by the Respondent Mother finding clear and convincing evidence that _____. Additionally, the Respondent Father stipulated to the neglect of the infant children based upon

_____. Both Respondent Parents were granted post-adjudicatory improvement periods at that adjudication. Both Respondent Parents cooperated in the development of a Family Case Plan during that Multi-Disciplinary Treatment Team process. The Department believed both Respondent Parents needed _____. This issue was brought before the Court at the first review of _____, the guardian *ad litem* agreed with the Department that both Respondents needed _____, both Respondent Parents by counsel then represented that they would _____, and the Court ordered that the Respondent Parents do whatever was necessary to _____. The issue of _____ was the first thing that needed to be addressed in the reunification plan and the remaining portions of that plan were aimed at the general stability of the Respondent Parents. The Respondent Mother completed _____, but departed the same after a couple of weeks. The Respondent Father never entered any type of treatment program. Furthermore, and upon reason and belief, the Respondent Parents still _____; the only contact information the Department's Caseworker has for them is a phone number of the Respondent Father's mother. The Respondent Parents have not been available for _____ in months.

III.

The Respondent Parents have _____, to the extent that their proper parenting skills have been seriously impaired, and these Respondent Parents have not responded to or followed through with the recommended and appropriate treatment which could have improved their capacity for adequate parental functioning. Additionally, the Respondent Parents have not responded to or followed through with a reasonable Family Case Plan or other rehabilitative efforts of social, medical, mental health or rehabilitative agencies

designed to reduce or prevent the abuse or neglect of the infant children, as evidenced by the continuation or insubstantial diminution of conditions which threatened the health, welfare, or lives of said children.

IV.

The Department is seeking an adjudication of neglect rising to the level of abandonment as to the infant child _____ and her Unknown/Unnamed Father. Should the Court make such an adjudication, abandonment is an aggravated circumstance, and the Department should not be required to preserve the family relationship between _____ and her Unknown/Unnamed Father.

V.

The permanency plan for these infant children is adoption with _____.

VI.

There is no reasonable likelihood that the conditions of neglect and/or abuse can be substantially corrected in the near future, and it is necessary for the welfare of the infant children, to terminate the parental, custodial, and guardianship rights of the Respondent Parents.

WHEREFORE, the Department/State pray that this Court adjudicate the infant _____ as a neglected child resulting from the acts of her Unknown/Unnamed Father, and further, enter an Order terminating the parental, custodial, and guardianship rights of _____ and _____, as those rights relate to the infant children, _____ and _____, and further, enter an Order terminating the parental, custodial, and guardianship rights of the Unknown/Unnamed Father as to _____, and any other relief this Court deems just.

**WV DEPARTMENT OF HEALTH AND
HUMAN RESOURCES BY THE STATE**

OF WEST VIRGINIA,

By Counsel,

ASSISTANT PROSECUTING ATTORNEY
STATE BAR IDENTIFICATION NO. _____