

## Grounds for Termination of Parental Rights

- (1) The parent has evidenced a settled purpose of relinquishing parental claim to the child, or has refused or failed to perform parental duties for a period of six months immediately preceding the filing of the petition.
- (2) The repeated and continued incapacity, abuse, neglect, or refusal of the parent has caused the child to be without essential parental care, control, or subsistence necessary for the child's physical or mental well-being. The conditions or causes of the incapacity, abuse, neglect, or refusal cannot or will not be remedied by the parent.
- (3) The parent is the presumptive, but not the natural parent of the child.
- (4) The child in custody of an agency, having been found under the circumstances that the identity or whereabouts of the parents are unknown and cannot be ascertained by diligent search. The parents have not claimed the child within three months after the child was found.
- (5) The child has been removed from the care of its parents by the court or under a voluntary agreement with an agency for a period of at least six months. The conditions which led to the removal or placement of the child continue, and the parents cannot, or will not remedy those conditions within a reasonable period of time, and termination would best serve the needs and welfare of the child.
- (6) In the case of a newborn child, the mother / father knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child, and has failed during the same four-month period, to provide substantial financial support for the child.
- (7) The father is the father of a child who was conceived as a result of rape or incest. (Incest was added, April 1996)
- (8) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, twelve months or more have lapsed from the date of the removal or placement, the conditions which led to the removal or placement of the child continue to exist, and termination of parental rights would best serve the needs and welfare of the child. (Amendment effective, February 1996)
- (9) Involuntary termination of parental rights when the parent has been convicted of one of the following and the victim was a child of the parent:
  - an offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
  - a felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);
  - an offense in another jurisdiction equivalent to criminal homicide or aggravated assault; or
  - an attempt, solicitation or conspiracy to commit an offense of criminal homicide, aggravated assault or the equivalent in another jurisdiction .

**Note:** Section 2511 (b) of the Pennsylvania Adoption Act states that: The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such inadequate housing, furnishings, income, clothing and medical care found to be beyond the control of the parent. With respect to any petition filed pursuant to subsection (a) (1), (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving notice of the filing of the petition.