

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE INTEREST OF

Name \_\_\_\_\_

Case No. \_\_\_\_\_

Year of Birth \_\_\_\_\_ A  male  female

**FINDING OF UNFITNESS**  
**AND ORDER TERMINATING PARENTAL RIGHTS**  
**OR APPOINTING PERMANENT CUSTODIAN**

Pursuant to K.S.A. 38-2269, 38-2270, 38-2271, 38-2272

The above-captioned matter comes on for hearing of the Motion for Finding of Unfitness before Judge \_\_\_\_\_.

The Court finds that the child named above has been adjudicated a Child in Need of Care. The Court asked each participant if the participant knows or has a reason to know the child is an Indian child. The Court finds there is no reason to know that the child is an Indian child and the Indian Child Welfare Act does not apply. (*If there is a reason to know or know that the child is an Indian child, use ICWA Form 220.*)

The Court finds that jurisdiction and venue are proper. Notice to parties, interested parties and those required to receive notice has been given as required by law.

- The petitioner appears by \_\_\_\_\_  **County/District Attorney or designee**  **other** \_\_\_\_\_.
- The child appears**  **in person and**  **not in person, but** by the child's guardian *ad litem*, \_\_\_\_\_.
- \_\_\_\_\_, the mother  **appears in person *pro se***  **appears in person, and through her attorney,** \_\_\_\_\_  **appears not in person, but by and through her attorney** \_\_\_\_\_  **does not appear.**
- \_\_\_\_\_, the  **father**  **putative father of** \_\_\_\_\_,  **appears in person *pro se***  **appears in person, and through his attorney,** \_\_\_\_\_  **appears not in person, but by and through his attorney,** \_\_\_\_\_  **does not appear.**
- (*Other parent appearances*) \_\_\_\_\_

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Interested parties appearing are: \_\_\_\_\_

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The Secretary appears through \_\_\_\_\_

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Also present is/are: \_\_\_\_\_

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THE COURT FINDS:

1. The evidence is clear and convincing that the  **mother** \_\_\_\_\_  
 **father** \_\_\_\_\_  **putative father** \_\_\_\_\_ of the  
child named above is unfit by reason of conduct or condition which renders the parent unable to  
care properly for a child and the conduct or condition is unlikely to change in the foreseeable  
future. The finding is based on the following facts:

Emotional illness, mental illness, mental deficiency or physical disability of the parent, of  
such duration or nature as to render the parent unable to care for the ongoing physical,  
mental and emotional needs of the child; (*K.S.A. 38-2269(b)(1)*)

conduct toward a child of a physically, emotionally or sexually cruel or abusive nature;  
(*K.S.A. 38-2269(b)(2)*)

the use of intoxicating liquors or narcotic or dangerous drugs of such duration or nature as to  
render the parent unable to care for the ongoing physical, mental or emotional needs of the  
child; (*K.S.A. 38-2269(b)(3)*)

physical, mental or emotional abuse or neglect or sexual abuse of a child; (*K.S.A.*  
*38-2269(b)(4)*)

conviction of a felony and imprisonment; (*K.S.A. 38-2269(b)(5)*)

unexplained injury or death of another child or stepchild of the parent or any child in the care  
of the parent at the time of injury or death; (*K.S.A. 38-2269(b)(6)*)

failure of reasonable efforts made by appropriate public or private agencies to rehabilitate  
the family; (*K.S.A. 38-2269(b)(7)*)

lack of effort on the part of the parent to adjust the parent's circumstances, conduct or  
conditions to meet the needs of the child; (*K.S.A. 38-2269(b)(8)*)

whether, as a result of the actions or inactions attributable to the parent and one or more of the factors listed in K.S.A. 38-2269(c) apply, the child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date on which a child in the secretary's custody was removed from the child's home. (K.S.A. 38-2269(b)(9))

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2.  Considering the physical, mental or emotional health of the child, termination of parental rights is in the best interests of the child named above and the physical, mental or emotional needs of the child would best be served by termination of parental rights. The parental rights of \_\_\_\_\_ should be terminated.

**OR**

The Court has considered whether termination of parental rights is in the best interests of the child, but parental rights should not be terminated.

3. THE COURT FURTHER FINDS:

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IT IS THEREFORE ORDERED:

The parental rights to the child named above of the following persons are terminated:

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A permanent custodian shall be appointed for \_\_\_\_\_.

**OR**

Custody of \_\_\_\_\_ shall be granted for adoption proceedings to  **the Secretary**  **other agency** \_\_\_\_\_.

**OR**

Custody of \_\_\_\_\_ shall be granted to proposed adoptive parents \_\_\_\_\_ for adoption proceedings. The Court hereby consents to the adoption of the child by the proposed adoptive parents.

**OR**

Other \_\_\_\_\_  
\_\_\_\_\_

**THE COURT FURTHER ORDERS:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE COURT FURTHER ORDERS** this matter set for permanency hearing before  the Court  the CRB on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  a.m.  p.m.

**IT IS SO ORDERED THIS** \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.