



STATE STATUTES

CURRENT THROUGH AUGUST 2025

Grounds for Involuntary Termination of Parental Rights

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Every State, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and the 12 Tribes¹ that have approved title IV-E programs have statutes or codes that describe the circumstances under which a court may terminate a person's parental rights to his or her child. Termination of parental rights ends the legal parent-child relationship. Once the relationship has been terminated, the child is legally free to be placed for adoption to secure a stable, safe, and permanent family environment that can provide for the child's long-term well-being.

¹ Aleut Community of St. Paul Island, Cherokee Nation, Eastern Band of Cherokee Indians, Kenaitze Indian Tribe, Keweenaw Bay Indian Community, Mashpee Wampanoag Tribe, Navajo Nation, Pala Band of Mission Indians, Pascua Yaqui Tribe, Penobscot Nation, Port Gamble S'Klallam Tribe, and Salt River Pima-Maricopa

WHAT'S INSIDE

Grounds for termination of parental rights

Timeframes for Termination Proceedings

Exceptions

When parental rights may be reinstated

Termination may be accomplished through a voluntary surrender or an involuntary action by a court. Birth parents who wish to place their children for adoption may voluntarily relinquish their rights.² When addressing whether parental rights should be terminated involuntarily, laws in most States, Territories, and Tribes require that a court do the following:

- Determine, by clear and convincing evidence, that the parent is unfit³
- Determine whether severing the parent-child relationship is in the child's best interests

GROUNDINGS FOR TERMINATION OF PARENTAL RIGHTS

The grounds for involuntary termination of parental rights are specific circumstances under which it is determined that the child cannot be maintained safely in his or her home because of the risk of being harmed by the parent or the inability of the parent to ensure the child's safety and provide for the child's basic needs. Each State, Territory, or Tribe is responsible for establishing its own statutory grounds, and these vary by jurisdiction.

The most common statutory grounds for determining parental unfitness include the following:

- Severe or chronic abuse or neglect
- Sexual abuse or sexual exploitation
- Abuse or neglect of other children in the household
- Abandonment of the child
- Long-term mental illness or alcohol or substance use that diminishes the parents' ability to care for the child effectively
- Failure to support or maintain contact with the child
- Involuntary termination of the rights of the parent to another child and a lack of progress in addressing the conditions that led to the prior termination of rights

The above factors become grounds for filing a petition to terminate parental rights when the parent has failed to correct the conditions or parental behaviors that led to intervention by a government agency and is unable to provide a safe home for the child, despite reasonable efforts by the agency to achieve family reunification after out-of-home placement.⁴

² For State-by-State details on voluntary relinquishment, see Child Welfare Information Gateway's publication [Consent to Adoption](#).

³ The U.S. Supreme Court, in *Santosky v. Kramer* (455 U.S. 745 [1982]), set the standard of proof in termination of parental rights proceedings at clear and convincing evidence.

⁴ For more information on the reasonable efforts requirement, see Information Gateway's [Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children](#).

In approximately 43 States,⁵ Guam, Puerto Rico, and 11 Tribes,⁶ a person's parental rights can be terminated if he or she has committed sexual abuse or another sexual offense against the child. In 19 States,⁷ Puerto Rico, and five Tribes,⁸ a parent's rights can be terminated upon conviction for child sexual exploitation (including prostitution or child pornography). A conviction for human trafficking or sex trafficking of a minor can result in the termination of a parent's rights in nine States⁹ and Puerto Rico. In 28 States,¹⁰ Guam, and the Eastern Band of Cherokee Indians, a man's parental rights can be terminated if he committed rape or sexual assault of the child's mother, and the child was conceived as a result. Being required to register as a sex offender constitutes a ground for termination in nine States.¹¹

A felony conviction of the parent(s) for a crime of violence against the child or another family member is a ground for termination in every State, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and nine Tribes.¹² In 26 States¹³ and four Tribes,¹⁴ a conviction for any felony that results in long-term incarceration and requires the child to enter foster care because of a lack of alternatives may also constitute grounds for termination of that person's parental rights. All States, the District of Columbia, all Territories, and all title IV-E Tribes recognize abandonment of a child as grounds for termination, while 17 States¹⁵ specifically include cases in which a newborn infant has been relinquished to a safe-haven provider or otherwise abandoned.

⁵ The word "approximately" is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through August 2025. The States that provide for termination of rights for commission of a sexual offense include Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

⁶ Aleut Community of St. Paul Island, Cherokee Nation, Eastern Band of Cherokee Indians, Kenaitze Indian Tribe, Keweenaw Bay Indian Community, Mashpee Wampanoag Tribe, Pala Band of Mission Indians, Pascua Yaqui Tribe, Penobscot Nation, Port Gamble S'Klallam Tribe, and Salt River Pima-Maricopa

⁷ Arkansas, California, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maine, Mississippi, Missouri, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, and West Virginia

⁸ Aleut Community of St. Paul Island, Cherokee Nation, Mashpee Wampanoag Tribe, Pascua Yaqui Tribe, and Penobscot Nation

⁹ Connecticut, Indiana, Louisiana, Maine, Mississippi, Missouri, Tennessee, Texas, and Wisconsin

¹⁰ Arizona, California, Connecticut, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Washington, Wisconsin, and Wyoming

¹¹ Alaska, Florida, Indiana, Hawaii, Minnesota, Pennsylvania, South Dakota, West Virginia, and Wyoming

¹² Aleut Community of St. Paul Island, Cherokee Nation, Eastern Band of Cherokee Indians, Kenaitze Indian Tribe, Keweenaw Bay Indian Community, Mashpee Wampanoag Tribe, Pala Band of Mission Indians, Pascua Yaqui Tribe, and Penobscot Nation

¹³ Alabama, Alaska, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Montana, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Utah, and Wyoming

¹⁴ Cherokee Nation, Kenaitze Indian Tribe, Keweenaw Bay Indian Community, and Navajo Nation

¹⁵ Arkansas, California, Hawaii, Idaho, Illinois, Iowa, Indiana, Louisiana, Missouri, New Jersey, New York, North Carolina, Tennessee, Texas, Utah, Wisconsin, and Wyoming

Modification of Parental Rights

While the codes of title IV-E Tribes do provide for termination of parental rights, the Mashpee Wampanoag Tribe and the Penobscot Nation also have provisions for modification of parental rights.

Modification of parental rights allows the court to complete a customary adoption, which creates a permanent parent-child relationship with someone other than the child's birth parents, in which the birth parents are allowed to maintain a relationship with the child because the adoption is not intended to permanently deprive the child of connections to or knowledge of his or her birth family.

The court may order a modification of parental rights if the following conditions have been met:

- Custody of the child has been removed from the parent.
- The court finds, based on clear and convincing evidence, that the parent is unwilling or unable to provide a home for the child free from jeopardy in a time that is reasonable considering the child's needs.
- Modification is in the best interests of the child.

In deciding whether to modify parental rights, the court shall consider the child's needs, age, Tribal ties, attachment to relevant persons, ability to integrate into a home, and the child's expressed wishes regarding modification.

TIMEFRAMES FOR TERMINATION PROCEEDINGS

The Adoption and Safe Families Act (ASFA) requires State agencies to file a petition to terminate parental rights, with certain exceptions, when any of the following apply:¹⁶

- A child has been in foster care for 15 of the most recent 22 months.
- A court has determined that any of the following apply:
 - The child is an abandoned infant.
 - The parent committed murder or voluntary manslaughter of another child of the parent; aided, abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter; or committed a felony assault that resulted in serious bodily injury to the child or another child of the parent.

In response to ASFA, many States have adopted limits to the maximum amount of time a child can spend in foster care while the parent is provided with the opportunity to engage in the services required by a service plan to correct the conditions that led to the child's placement in out-of-home care. Many States have adopted the ASFA standard, which requires the State agency to file a petition to initiate termination proceedings when the child has been in out-of-home care for 15 out of the most recent 22 months, and the parent has not made progress in meeting service plan requirements. Some States, however, specify other timeframes, ranging from 9 to 12 months, or shorter time limits, ranging from 3 to 6 months, for very young children.

¹⁶ ASFA (P.L. 105-89) amended title IV-E of the Social Security Act, which establishes guidelines that States must comply with as a condition for receiving Federal title IV-E funds.

EXCEPTIONS

While State laws require that proceedings to terminate parental rights be initiated when statutory grounds are met, approximately 37 States,¹⁷ the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and four Tribes¹⁸ provide for exceptions under some circumstances, including one or more of the following:

- The child has been placed under the care of a relative.
- The State agency has documented in the case plan a compelling reason, such as a child objects to ending the parent-child relationship, to believe that terminating the parent's rights is not in the best interests of the child.
- The State agency has not provided the parent with the services required by the service plan to facilitate safe reunification.

In eight States,¹⁹ the Virgin Islands, and the Penobscot Nation,²⁰ the court will not terminate parental rights over the objection of an older child unless the court finds the child lacks the mental capacity or maturity to decide. In six States²¹ and the Eastern Band of Cherokee Indians, a parent's rights cannot be

terminated if the sole reason the parent has not provided adequate care is due to poverty. In three States²² and Puerto Rico, a parent's rights cannot be terminated due solely to the legitimate practice of religious beliefs. In the State laws of California and Montana and in the Tribal code of the Cherokee Nation, the rights of an Indian parent may not be terminated unless a qualified expert witness has testified that leaving the child in the parent's custody is likely to result in serious emotional or physical harm to the child.

WHEN PARENTAL RIGHTS MAY BE REINSTATED

A termination action can sever the rights of one parent without affecting the rights of the other parent. If the rights of both parents are terminated, the State assumes legal custody of the child along with the responsibility for finalizing a permanent placement for the child, either through adoption or guardianship, within a reasonable amount of time.

Approximately 28 States²³ and the Eastern Band of Cherokee Indians have provisions for reinstating the rights of a parent whose rights have been terminated. In 21 States²⁴ and the Eastern Band of Cherokee Indians, if a permanent placement has not been achieved

¹⁷ Alabama, Alaska, California, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Maine, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming

¹⁸ Eastern Band of Cherokee Indians, Keweenaw Bay Indian Community, Mashpee Wampanoag Tribe, and Pala Band of Mission Indians

¹⁹ California (age 12 or older), Colorado (age 12 or older), Iowa (age 10 or older), Maine (a child of sufficient maturity), New Mexico (age 14 or older), New York (age 14 or older), Oklahoma (age 12 or older), and Virginia (age 14 or older)

²⁰ The code of the Penobscot Nation requires the Tribal court to consider the child's wishes when deciding either an involuntary termination of parental rights or a voluntary modification of parental rights.

²¹ Florida, Kentucky, Nebraska, North Carolina, Pennsylvania, and Texas

²² Delaware, Georgia, and Utah

²³ Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Louisiana, Maine, Michigan, Minnesota, Montana, Nevada, New York, North Carolina, Oklahoma, Oregon, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin

²⁴ Arizona (2 years), Arkansas (3 years), California (3 years), Colorado (3 years), Delaware (2 years), Florida (3 years), Georgia (3 years), Hawaii (1 year), Illinois (3 years), Maine (1 year), Minnesota (4 years), Montana (2 years), New York (2 years), North Carolina (3 years), Oklahoma (3 years), Oregon (18 months), Texas (2 years), Utah (2 years), Virginia (2 years), Washington (3 years), and Wisconsin (1 year)

within a specific timeframe, a petition may be filed with the court requesting reinstatement of the parent's rights. In 16 States²⁵ and the Eastern Band of Cherokee Indians, the statutes specify that reinstatement is available only to older children who have not attained a permanent placement. In all cases, the court must determine whether the parent has made substantial progress in correcting the conditions that led to the termination of his or her parental rights and is now able and willing to provide the child with a safe home. The court must also determine that reinstatement of the parent's rights is in the best interests of the child and that both the parent and the child agree to the reinstatement.

In nine States²⁶ and the Eastern Band of Cherokee Indians, the State or Tribal agency must submit a permanency plan to the court, with reintegration as a permanency goal, that describes the transition services that will be provided to the child and family to support reintegration. In 14 States²⁷ and the Eastern Band of Cherokee Indians, the court may order a trial home placement or a period of supervision by the State agency before the restoration of rights is finalized.

In Alaska, a parent may petition for restoration of rights only in cases in which a birth parent has voluntarily relinquished his or her rights at any time before an adoption has been finalized. In Iowa, a petition to set

aside a termination may be made only in cases where the parent has relinquished a newborn. In Arizona, Arkansas, Utah, and West Virginia, reinstatement may be considered when an adoptive placement has been disrupted.

Codes in the Mashpee Wampanoag Tribe and the Penobscot Nation allow for court review of a final order of modification of parental rights if any of the following circumstances apply:

- No permanency order exists after 1 year following the entry of the final order for modification of parental rights.
- The adoption of the child fails.
- The adoptive parent has died.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of statutes, codes, regulations, agency policies, case law, and informal practices and procedures.

²⁵ Arizona (no age specified), Delaware (age 14), Florida (age 13), Hawaii (age 14), Illinois (age 13), Louisiana (age 15), Montana (no age specified), Nevada (age 14), New York (age 14), North Carolina (age 12), Oklahoma (age 14), Oregon (age 12), Texas (age 12), Utah (age 12), Virginia (age 14), and Washington (age 12)

²⁶ Arkansas, Colorado, Florida, Hawaii, Maine, Montana, New York, Virginia, and Washington

²⁷ Arizona, Arkansas, Colorado, Florida, Hawaii, Maine, Montana, New York, North Carolina, Oregon, Texas, Utah, Virginia, and Washington

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