

TITLE 16
JUVENILE PROCEEDINGS

CHAPTER 20
TERMINATION OF PARENT AND CHILD RELATIONSHIP

16-2001. PURPOSE. (1) The purpose of this chapter is to:

(a) Provide for voluntary and involuntary severance of the parent and child relationship and for substitution of parental care and supervision by judicial process, thereby safeguarding the rights and interests of all parties concerned and promoting their welfare and that of the state of Idaho; and

(b) Provide permanency for children who are under the jurisdiction of the court through the child protective act, [chapter 16, title 16](#), Idaho Code, where the court has found the existence of aggravated circumstances or that reasonable efforts to return the child to his or her home have failed.

(2) Implicit in this chapter is the philosophy that wherever possible family life should be strengthened and preserved and that the issue of severing the parent and child relationship is of such vital importance as to require a judicial determination in place of attempts at severance by contractual arrangements, express or implied, for the surrender and relinquishment of children. Nothing in this chapter shall be construed to allow discrimination in favor of, or against, on the basis of disability.

[16-2001, added 1963, ch. 145, sec. 1, p. 420; am. 2002, ch. 233, sec. 8, p. 677; am. 2005, ch. 391, sec. 46, p. 1295.]

16-2002. DEFINITIONS. When used in this chapter, unless the text otherwise requires:

(1) "Court" means the district court or magistrate's division thereof or, if the context requires, a judge or magistrate thereof.

(2) "Child" or "minor" means any individual who is under the age of eighteen (18) years.

(3) "Neglected" means:

(a) Conduct as defined in section [16-1602](#)(31), Idaho Code; or

(b) The parent(s) has failed to comply with the court's orders or the case plan in a child protective act case and:

(i) The department has had temporary or legal custody of the child for fifteen (15) of the most recent twenty-two (22) months; and

(ii) Reunification has not been accomplished by the last day of the fifteenth month in which the child has been in the temporary or legal custody of the department.

(4) "Abused" means conduct as defined in section [16-1602](#)(1), Idaho Code.

(5) "Abandoned" means the parent has willfully failed to maintain a normal parental relationship, including but not limited to reasonable support or regular personal contact. Failure of the parent to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment under this section; provided however, where termination is sought by a grandparent seeking to adopt the child, the willful failure of the parent to maintain a normal parental relationship as provided herein without just cause for six (6) months shall constitute prima facie evidence of abandonment.

(6) "Legal custody" means status created by court order that vests in a custodian the following rights and responsibilities:

- (a) To have physical custody and control of the child and to determine where and with whom the child shall live;
- (b) To supply the child with food, clothing, shelter and incidental necessities;
- (c) To provide the child with care, education and discipline; and
- (d) To authorize medical, dental, psychiatric, psychological and other remedial care and treatment for the child, including care and treatment in a facility with a program of services for children.

However, such rights and responsibilities shall be exercised subject to the powers, rights, duties and responsibilities of the guardian of the person.

(7) "Guardianship of the person" means those rights and duties imposed upon a person appointed as guardian of a minor under the laws of Idaho. It includes but is not necessarily limited either in number or kind to:

- (a) The authority to consent to marriage, to enlistment in the armed forces of the United States, and to major medical, psychiatric and surgical treatment; to represent the minor in legal actions; and to make other decisions concerning the child of substantial legal significance;
- (b) The authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order;
- (c) The rights and responsibilities of legal custody, except where legal custody has been vested in another individual or in an authorized child placement agency; and
- (d) When the parent and child relationship has been terminated by judicial decree with respect to the parents, or only living parent, or when there is no living parent, the authority to consent to the adoption of the child and to make any other decision concerning the child which the child's parents could make.

(8) "Guardian ad litem" means a person appointed by the court pursuant to section [16-1614](#) or [5-306](#), Idaho Code.

(9) "Authorized agency" means the department, a local agency, a person, an organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.

(10) "Department" means the department of health and welfare and its authorized representatives.

(11) "Parent" means:

- (a) The birth mother or the adoptive mother;
- (b) The adoptive father;
- (c) The biological father of a child conceived or born during the father's marriage to the birth mother; and
- (d) The unmarried biological father whose consent to an adoption of the child is required pursuant to section [16-1504](#), Idaho Code.

(12) "Presumptive father" means a man who is or was married to the birth mother and the child is born during the marriage or within three hundred (300) days after the marriage is terminated.

(13) "Parent and child relationship" includes all rights, privileges, duties and obligations existing between parent and child, including inheritance rights, and shall be construed to include adoptive parents.

(14) "Parties" includes the child and the petitioners.

(15) "Unmarried biological father," as used in this chapter and [chapter 15, title 16](#), Idaho Code, means the biological father of a child who was not married to the child's mother at the time the child was conceived or born.

(16) "Unmarried biological mother," as used in this chapter, means the biological mother of a child who was not married to the child's biological father at the time the child was conceived or born.

(17) "Disability" means, with respect to an individual, any mental or physical impairment that substantially limits one (1) or more major life activities of the individual, including but not limited to self-care, manual tasks, walking, seeing, hearing, speaking, learning, or working, or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania, or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

(18) "Adaptive equipment" means any piece of equipment or any item that is used to increase, maintain, or improve the parenting abilities of a parent with a disability.

(19) "Supportive services" means services that assist a parent with a disability to compensate for those aspects of their disability that affect their ability to care for their child and that will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations, or assistance with effective use of adaptive equipment and accommodations that allow a parent with a disability to benefit from other services, such as Braille texts or sign language interpreters.

[16-2002, added 1963, ch. 145, sec. 2, p. 420; am. 1971, ch. 266, sec. 1, p. 1067; am. 1972, ch. 196, sec. 3, p. 483; am. 1988, ch. 138, sec. 1, p. 249; am. 1990, ch. 26, sec. 1, p. 40; am. 1996, ch. 365, sec. 1, p. 1222; am. 2000, ch. 171, sec. 8, p. 434; am. 2002, ch. 233, sec. 9, p. 678; am. 2005, ch. 391, sec. 47, p. 1295; am. 2013, ch. 287, sec. 11, p. 756; am. 2014, ch. 120, sec. 4, p. 341; am. 2016, ch. 265, sec. 8, p. 716; am. 2016, ch. 360, sec. 3, p. 1065; am. 2024, ch. 16, sec. 3, p. 134.]

16-2003. JURISDICTION. The court shall have exclusive original jurisdiction, other than as provided in [title 32](#), Idaho Code, to hear petitions to terminate the parent and child relationship when the child is present in the state. When a court has jurisdiction over the child under the child protective act, [chapter 16, title 16](#), Idaho Code, that court shall have exclusive jurisdiction of the action to terminate parental rights unless it consents to a different venue or jurisdiction in the best interests of the child.

[16-2003, added 1963, ch. 145, sec. 3, p. 420; am. 2005, ch. 391, sec. 48, p. 1298.]

16-2004. PETITION -- WHO MAY FILE. A petition may be filed by:

- a. Either parent when termination is sought with respect to the other parent.
- b. The guardian of the person or the legal custodian of the child or person standing in loco parentis to the child.
- c. An authorized agency.

d. Any other person possessing a legitimate interest in the matter.

[16-2004, added 1963, ch. 145, sec. 4, p. 420.]

16-2005. CONDITIONS UNDER WHICH TERMINATION MAY BE GRANTED. (1) The court may grant an order terminating the relationship where it finds that termination of parental rights is in the best interests of the child and that one (1) or more of the following conditions exist:

- (a) The parent has abandoned the child.
- (b) The parent has neglected or abused the child.
- (c) The presumptive parent is not the biological parent of the child.
- (d) The parent is unable to discharge parental responsibilities and such inability will continue for a prolonged indeterminate period and will be injurious to the health, morals or well-being of the child.
- (e) The parent has been incarcerated and is likely to remain incarcerated for a substantial period of time during the child's minority.

(2) The court may grant an order terminating the relationship and may rebuttably presume that such termination of parental rights is in the best interests of the child where:

- (a) The parent caused the child to be conceived as a result of rape, incest, lewd conduct with a minor child under the age of sixteen (16) years, or sexual abuse of a child under the age of sixteen (16) years, as defined in sections [18-6101](#), [18-1508](#), [18-1506](#), and [18-6601](#), Idaho Code;
- (b) The following circumstances are present:

- (i) Abandonment, chronic abuse or chronic neglect of the child. Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate continuing the relationship would result in unacceptable risk to the health and welfare of the child;

- (ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section [18-1506](#), [18-1506A](#), [18-1507](#), [18-1508](#), [18-1508A](#), [18-6101](#), or [18-6604](#), Idaho Code;

- (iii) Torture of a child; any conduct described in the code sections listed in section [18-8303](#)(1), Idaho Code; battery or an injury to a child that results in serious or great bodily injury to a child; voluntary manslaughter of a child, or aiding or abetting such voluntary manslaughter, soliciting such voluntary manslaughter or attempting or conspiring to commit such voluntary manslaughter;

- (iv) The parent has committed murder, aided or abetted a murder, solicited a murder or attempted or conspired to commit murder; or

- (c) The court determines the child to be an abandoned infant, except in a parental termination action brought by one (1) parent against another parent.

(3) The court shall not grant an order terminating the relationship based upon the child's immunization status.

(4) The court may grant an order terminating the relationship if termination is found to be in the best interest of the parent and child.

(5) The court may grant an order terminating the relationship where a consent to termination in the manner and form prescribed by this chapter has been filed by the parent(s) of the child in conjunction with a petition for adoption initiated by the person or persons proposing to adopt the child, or where the consent to termination has been filed by a licensed adoption

agency, no subsequent hearing on the merits of the petition shall be held. Consents required by this chapter must be witnessed by a district judge or magistrate of a district court, or equivalent judicial officer of the state, where a person consenting resides or is present, whether within or without the county, and shall be substantially in the following form:

IN THE DISTRICT COURT OF THE.... JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF....

In the Matter of the termination)
of the parental rights of)
.....)
.....)

I (we), the undersigned, being the.... of...., do hereby give my (our) full and free consent to the complete and absolute termination of my (our) parental right(s), to the said...., who was born....., unto...., hereby relinquishing completely and forever, all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said...., and I (we) do hereby expressly waive my (our) right(s) to hearing on the petition to terminate my (our) parental relationship with the said...., and respectfully request the petition be granted.

DATED:....., 20..
.....

STATE OF IDAHO)
) ss.
COUNTY OF....)

On this.... day of....., 20.., before me, the undersigned..... (Judge or Magistrate) of the District Court of the.... Judicial District of the state of Idaho, in and for the county of....., personally appeared...., known to me (or proved to me on the oath of....) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

..... (District Judge or Magistrate)

(6) The court shall accept a consent or a surrender and release executed in another state if:

- (a) It is witnessed by a magistrate or district judge of the state where signed; or
- (b) The court receives an affidavit or a certificate from a court of comparable jurisdiction stating that the consent or the surrender and release was executed in accordance with the laws of the state in which it was executed, or the court is satisfied by other showing that the consent or surrender and release was executed in accordance with the laws of the state in which it was executed.

(7) The court shall accept a termination or relinquishment from a sister state that has been ordered by a court of competent jurisdiction under like proceedings; or in any other manner authorized by the laws of a sister state. In a state where the father has failed to file notice of claim to paternity and willingness to assume responsibility as provided for pursuant to the laws of such state, and where such failure constitutes an abandonment of such child and constitutes a termination or relinquishment of the rights of

the putative father, the court shall accept such failure as a termination in this state without further hearing on the merits, if the court is satisfied that such failure constitutes a termination or relinquishment of parental rights pursuant to the laws of that state.

(8) Unless a consent to termination signed by the parent(s) of the child has been filed by an adoption agency licensed in the state of Idaho, or unless the consent to termination was filed in conjunction with a petition for adoption of the child, the court shall hold a hearing.

(9) If the parent has a disability, as defined in this chapter, the parent shall have the right to provide evidence to the court regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. Nothing in this section shall be construed to create any new or additional obligation on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities.

[16-2005, added 1963, ch. 145, sec. 5, p. 420; am. 1971, ch. 266, sec. 2, p. 1067; am. 1987, ch. 207, sec. 1, p. 436; am. 1990, ch. 25, sec. 1, p. 38; am. 1994, ch. 393, sec. 4, p. 1248; am. 1994, ch. 426, sec. 2, p. 1336; am. 1996, ch. 365, sec. 2, p. 1224; am. 1998, ch. 310, sec. 1, p. 1028; am. 1999, ch. 314, sec. 1, p. 779; am. 2000, ch. 77, sec. 1, p. 161; am. 2000, ch. 171, sec. 9, p. 435; am. 2002, ch. 233, sec. 10, p. 680; am. 2003, ch. 260, sec. 1, p. 683; am. 2005, ch. 391, sec. 49, p. 1298; am. 2013, ch. 287, sec. 12, p. 758; am. 2016, ch. 296, sec. 7, p. 834; am. 2022, ch. 124, sec. 11, p. 444; am. 2023, ch. 10, sec. 2, p. 34.]

16-2006. CONTENT OF PETITION. The petition for the termination of the parent and child relationship shall include, to the best information and belief of the petitioner:

- a. The name and place of residence of the petitioner;
- b. The name, sex, date and place of birth, and residence of the child;
- c. The basis for the court's jurisdiction;
- d. The relationship of the petitioner to the child, or the fact that no relationship exists;
- e. The names, addresses, and dates of birth of the parents; and where the child is illegitimate, the names, addresses and dates of birth of both parents, if known to the petitioner;
- f. Where the child's parent is a minor, the names and addresses of said minor's parents or guardian of the person; and where the child has no parent or guardian, the relatives of the child to and including the second degree of kindred;
- g. The name and address of the person having legal custody or guardianship of the person or acting in loco parentis to the child or authorized agency having legal custody or providing care for the child;
- h. The grounds on which termination of the parent and child relationship is sought;
- i. The names and addresses of the persons and authorized agency or officer thereof to whom or to which legal custody or guardianship of the person of the child might be transferred;
- j. A list of the assets of the child together with a statement of the value thereof.

[16-2006, added 1963, ch. 145, sec. 6, p. 420.]

16-2007. NOTICE -- WAIVER -- GUARDIAN AD LITEM. (1) After a petition has been filed, the court shall set the time and place for hearing. The petitioner shall give notice to any person entitled to notice under section [16-1505](#), Idaho Code, the authorized agency having legal custody of the child and the guardian ad litem of the child and of a parent. The petitioner shall give notice to the Idaho department of health and welfare if the petition for termination was not filed in conjunction with a petition for adoption or by an adoption agency licensed by the state of Idaho.

(2) Notice shall be given by personal service on the parents or guardian. Where reasonable efforts to effect personal service have been unsuccessful or are impossible because the whereabouts of parties entitled to notice are not known or reasonably ascertainable, the court shall order service by registered or certified mail to the last known address of the person to be notified and by publication once a week for three (3) successive weeks in a newspaper or newspapers to be designated by the court as most likely to give notice to the person to be served. The hearing shall take place no sooner than ten (10) days after service of notice, or where service is by registered or certified mail and publication, the hearing shall take place no sooner than ten (10) days after the date of last publication.

(3) Notice and appearance may be waived by a parent in writing and witnessed by a district judge or magistrate of a district court, or equivalent judicial officer of the state, where a person waiving notice and appearance resides or is present, whether within or without the county, and shall be substantially in the following form:

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF

In the Matter of the termination)
of the parental rights to)
.....)
.....)
(a) minor child(ren)

I (we), the undersigned, being the.... of...., do hereby waive my (our) right to notice and my (our) right to appear in any action seeking termination of my (our) parental rights. I (we) understand that by waiving notice and appearance my (our) parental right(s), to the said...., who was born...., unto...., may be completely and forever terminated, including all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said...., and I (we) do hereby expressly waive my (our) right(s) to notice of or appearance in any such action.

DATED:....., 20..
.....

STATE OF IDAHO)
) ss.
COUNTY OF....)

On this.... day of...., 20.., before me, the undersigned....., (Judge or Magistrate) of the District Court of the.... Judicial District of the state of Idaho, in and for the county of...., personally appeared...., known to me (or proved to me on the oath of....) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

.....
(District Judge or Magistrate)

(4) The court shall accept a waiver of notice and appearance executed in another state if:

(a) It is witnessed by a magistrate or district judge of the state where signed; or

(b) The court receives an affidavit or a certificate from a court of comparable jurisdiction stating that the waiver of notice and appearance was executed in accordance with the laws of the state in which it was executed, or the court is satisfied by other showing that the waiver of notice and appearance was executed in accordance with the laws of the state in which it was executed.

(5) When the termination of the parent and child relationship is sought and the parent is determined to be incompetent to participate in the proceeding, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may in any other case appoint a guardian ad litem, as may be deemed necessary or desirable, for any party. Except as provided in section [16-1504](#)(6), Idaho Code, where a putative father has failed to timely commence proceedings to establish paternity under section [7-1111](#), Idaho Code, or has failed to timely file notice of his filing of proceedings to establish his paternity of his child born out of wedlock under section [16-1513](#), Idaho Code, with the vital statistics unit of the department of health and welfare, notice under this section is not required unless such putative father is one of those persons specifically set forth in section [16-1505](#)(1), Idaho Code.

(6) If a parent fails to file a claim of parental rights pursuant to the provisions of [chapter 82, title 39](#), Idaho Code, for a child left with a safe haven pursuant thereto, prior to entry of an order terminating their parental rights, that parent is deemed to have abandoned the child and waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the termination of parental rights.

[16-2007, added 1963, ch. 145, sec. 7, p. 420; am. 1987, ch. 207, sec. 2, p. 437; am. 1990, ch. 58, sec. 1, p. 134; am. 2000, ch. 171, sec. 10, p. 438; am. 2001, ch. 357, sec. 6, p. 1260; am. 2002, ch. 233, sec. 11, p. 682; am. 2005, ch. 25, sec. 80, p. 116; am. 2005, ch. 391, sec. 50, p. 1301; am. 2013, ch. 138, sec. 6, p. 330; am. 2020, ch. 330, sec. 5, p. 961.]

16-2008. INVESTIGATION PRIOR TO DISPOSITION. (1) If a petition for adoption is not filed in conjunction with a petition for termination, or the petition for termination was not filed by a children's adoption agency licensed by the state of Idaho upon the filing of a petition for termination, the court shall direct the department of health and welfare, bureau of child support services, to submit a written financial analysis report within thirty (30) days from date of notification, detailing the amount of any unreimbursed public assistance moneys paid by the state of Idaho on behalf of the child. The financial analysis shall include recommendations regarding repayment of unreimbursed public assistance and provisions for future support for the child and the reasons therefor.

(2) Upon the filing of a petition, the court may direct, in all cases where written consent to termination has not been given as provided in this

chapter, that an investigation be made by the department of health and welfare, division of family and community services, or a licensed children's adoption agency, and that a report in writing of such study be submitted to the court prior to the hearing, except that where the department of health and welfare or a licensed children's adoption agency is a petitioner, either in its own right or on behalf of a parent, a report in writing of the investigation made by such agency shall accompany the petition. The department of health and welfare or the licensed children's adoption agency shall have thirty (30) days from notification by the court during which it shall complete and submit its investigation unless an extension of time is granted by the court upon application by the agency. The court may order additional investigation as it deems necessary. The social study shall include the circumstances of the petition, the investigation, the present condition of the child and parents, proposed plans for the child, and such other facts as may be pertinent to the parent and child relationship, and the report submitted shall include a recommendation and the reasons therefor as to whether or not the parent and child relationship should be terminated. If the parent has a disability as defined in this chapter, the parent shall have the right, as a part of the social study, to provide information regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. The person performing the social investigation shall advise the parent of such right and shall consider all such information in any findings or recommendations. The social study shall be conducted by, or with the assistance of, an individual with expertise in the use of such equipment and services. Nothing in this section shall be construed to create any new or additional obligations on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities. Where the parent is a minor, if the report does not include a statement of contact with the parents of said minor, the reasons therefor shall be set forth. The purpose of the investigation is to aid the court in making disposition of the petition and shall be considered by the court prior thereto.

(3) Except as provided in section [16-1504](#)(6), Idaho Code, no social study or investigation as provided for in subsection (2) of this section shall be directed by the court with respect to the putative father who has failed to timely commence proceedings to establish paternity under section [7-1111](#), Idaho Code, or who has failed to timely file notice of his filing of proceedings to establish his paternity of his child born out of wedlock under section [16-1513](#), Idaho Code, with the vital statistics unit of the department of health and welfare, unless such putative father is one of those persons specifically set forth in section [16-1505](#)(1), Idaho Code.

[16-2008, added 1963, ch. 145, sec. 8, p. 420; am. 1985, ch. 55, sec. 1, p. 109; am. 1987, ch. 207, sec. 3, p. 438; am. 1992, ch. 341, sec. 3, p. 1035; am. 2000, ch. 171, sec. 11, p. 439; am. 2002, ch. 233, sec. 12, p. 683; am. 2013, ch. 138, sec. 7, p. 332; am. 2020, ch. 330, sec. 6, p. 962.]

16-2009. HEARING. Cases under this act shall be heard by the court without a jury. The hearing may be conducted in an informal manner and may be adjourned from time to time. Stenographic notes or mechanical recording of the hearing shall be required. The general public shall be excluded and only such persons admitted whose presence is requested by any person entitled to notice under the provisions of section [16-2007](#), Idaho Code, or as the judge shall find to have a direct interest in the case or in the work of the court;

provided that persons so admitted shall not disclose any information secured at the hearing which would identify an individual child or parent. The court may require the presence of witnesses deemed necessary to the disposition of the petition, except that a parent who has executed a waiver pursuant to section [16-2007](#), Idaho Code, shall not be required to appear at the hearing.

The parent or guardian ad litem shall be notified as soon as practicable after the filing of a petition and prior to the start of a hearing of his right to have counsel, and if counsel is requested and the parent or guardian is financially unable to employ counsel, counsel shall be provided. The prosecuting attorneys of the several counties shall represent the department at all stages of the hearing.

The court's finding with respect to grounds for termination shall be based upon clear and convincing evidence under rules applicable to the trial of civil causes, provided that relevant and material information of any nature, including that contained in reports, studies or examinations, may be admitted and relied upon to the extent of its probative value. When information contained in a report, study or examination is admitted in evidence, the person making such report, study or examination shall be subject to both direct and cross-examination.

[16-2009, added 1963, ch. 145, sec. 9, p. 420; am. 1983, ch. 128, sec. 1, p. 324; am. 1987, ch. 207, sec. 4, p. 439; am. 1993, ch. 88, sec. 1, p. 217.]

16-2010. DECREE. (1) Every order of the court terminating the parent and child relationship or transferring legal custody or guardianship of the person of the child shall be in writing and shall recite the findings upon which such order is based, including findings pertaining to the court's jurisdiction.

(2) (a) If the court finds sufficient grounds exist for the termination of the parent and child relationship, it shall so decree and:

- (i) Appoint an individual as guardian of the child's person, or
- (ii) Appoint an individual as guardian of the child's person and vest legal custody in another individual or in an authorized agency, or
- (iii) Appoint an authorized agency as guardian of the child's person and vest legal custody in such agency.

(b) The court shall also make an order fixing responsibility for the child's support. The parent and child relationship may be terminated with respect to one (1) parent without affecting the relationship between the child and the other parent.

(3) Where the court does not order termination of the parent and child relationship, it shall dismiss the petition; provided however, that where the court finds that the best interest of the child requires substitution or supplementation of parental care and supervision, it shall make an order placing the child under protective supervision, or vesting temporary legal custody in an authorized agency, fixing responsibility for temporary child support, and designating the period of time during which the order shall remain in effect.

(4) If termination of parental rights is granted and the child is placed in the guardianship or legal custody of the department of health and welfare, the court, upon petition, shall conduct a hearing as to the future status of the child within twelve (12) months of the order of termination of parental

rights, and every twelve (12) months subsequently until the child is adopted or is in a placement sanctioned by the court.

[16-2010, added 1963, ch. 145, sec. 10, p. 420; am. 1989, ch. 216, sec. 1, p. 525; am. 1989, ch. 218, sec. 5, p. 530; am. 1992, ch. 341, sec. 4, p. 1036; am. 1998, ch. 257, sec. 6, p. 857; am. 2000, ch. 171, sec. 12, p. 439; am. 2005, ch. 391, sec. 51, p. 1303.]

16-2011. EFFECT OF DECREE. An order terminating the parent and child relationship shall divest the parent and the child of all legal rights, privileges, duties, and obligations, including rights of inheritance, with respect to each other.

[16-2011, added 1963, ch. 145, sec. 11, p. 420.]

16-2012. COURT COSTS. All court costs of giving notice and advertising shall be paid by the petitioners, except when the petitioner is an authorized agency. The court, however, may suspend such costs where payment would work a hardship on the petitioner or would be otherwise inappropriate.

[16-2012, added 1963, ch. 145, sec. 12, p. 420.]

16-2013. RECORDS. The files and records of the court in any proceedings had under this act shall be kept in a separate locked file and shall be withheld from public inspection, but shall be open to inspection on special order of the court by persons having a legitimate interest in the case and their attorneys, and by an authorized agency to which legal custody of the child has been transferred. As used in this section, the words "files and records" include the court docket and entries therein, the petitions and other papers filed in any case, transcripts of testimony taken by the court, and findings, orders, and decrees, and other writings filed in proceedings before the court, other than social records. Social records shall be withheld from public inspection except that information from such records may be furnished to persons and agencies having a legitimate interest in the protection, welfare and treatment of the child, in such manner as the court determines. As used in this section, the words "social records" include the social service records of the court, the investigation and reports referred to in Section [16-2008](#), and related papers and correspondence, including medical, psychological and psychiatric studies and reports, either in the possession of the court or authorized agency.

No person shall be entitled to make copies of such files and records or social records or parts thereof unless the court so orders. It shall be unlawful, except for purposes for which files and records or social records or parts thereof or information therefrom have been released pursuant to this section, or except for purposes permitted by special order of the court, for any person to disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any information concerning any person before the court directly or indirectly derived from the files and records or communications of the court, or social records, or acquired in the course of the performance of official duties. Any person who shall disclose information in violation of the provisions of this section shall be guilty of a misdemeanor.

[16-2013, added 1963, ch. 145, sec. 13, p. 420.]

16-2014. APPEALS. Any appeal from an order or decree of the court granting or refusing to grant a termination shall be taken to the supreme court, provided however, pendency of an appeal or application therefor shall not suspend the order of the court relative to termination of the parent-child relationship.

[16-2014, added 1963, ch. 145, sec. 14, p. 420; am. 1971, ch. 170, sec. 4, p. 805; am. 2010, ch. 26, sec. 3, p. 46.]

16-2015. CONSTRUCTION. This act shall be liberally construed to accomplish the purposes herein set forth.

[16-2015, added 1963, ch. 145, sec. 16, p. 420.]