

## Termination Of Parental Rights.



Terminated

It's definitely not a fun topic to discuss, but parents facing involuntary termination of their parental rights need to know some important information about when a court can take away such rights. "Termination of parental rights" means that the court takes away any rights the parent had in regard to the child—**custody, parenting time**, decisions about the child's upbringing or welfare. It's not a temporary decision that lets the parent still be involved in the child's life. If your parental rights are terminated, you can't get them back by becoming a better parent; termination of parental rights is a permanent, irreversible determination.

First, a quick note: if the child involved is an Indian child, you should talk with your attorney about other issues not discussed here that the court might consider in a termination of parental rights case due to the Indian Child Welfare Act (**ICWA**). In general, a court can terminate a parent's rights based on any one of several circumstances. One of those circumstances is abandonment. It's considered to be abandonment of a child when the parent deserts the child and intends to try to get away from his duties as a parent. Whether or not the parent abandoned the child can depend on how long the parent was away from the child; for example, in one case, a mother was found to have abandoned her son when she had no contact with him for 10 months.

Just because a parent is in jail will not mean that the parent has abandoned his or her child. If the jailed parent had a parental relationship with the child before being sent to jail, and the parent continued that relationship to the best of his ability while in jail (through letters, cards, visits, etc.), the parent can continue to have parental rights. But, the fact of a parent being in jail can be used in combination with other factors, like neglect or abuse, to support termination of the parent's rights.

A court can also terminate parental rights based on neglect of the child. Don't worry about being caught unaware by this one—no one is going to suddenly look at your child at school one day, decide the child has been neglected, and try to take away your parental rights. Parental rights are only terminated based on neglect when there has been a continuous or repeated neglect of the child despite the efforts of a social services agency, or when the neglect is so bad that no social worker is realistically going to be able to do anything about.

The other main reason for termination of parental rights cases, when they happen, is a parent's failure to provide for the **child financially** despite having been ordered to do so. The "having been ordered to do so" part is important—your parental rights won't be terminated if you simply are struggling to pay for all your child's expenses. Taking away a parent's rights based on financial neglect only happens when the parent has been ordered to pay child support and fails to do so for no good reason. If you have a good reason for failing to comply with a support order, your rights won't be taken away.

So, you can see it's an unpleasant, but serious issue that you may need to be aware of. Hopefully, you won't have any questions, but if you do, please don't hesitate to leave a comment or give me a call.

Thanks for reading my latest Mankato Family Law Blog post, any comments or questions feel free to post them below or email me directly at [Jkohlmeyer@rokolaw.com](mailto:Jkohlmeyer@rokolaw.com)

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Remember I am not giving anyone legal advice, this is just an informational blog that hopefully will answer some basic questions and lead you to call an experienced Minnesota Divorce Lawyer.

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