

# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

## ANSWER TO PETITION FOR TERMINATION OF PARENTAL RIGHTS

*Petitioner*

*v. Respondent*

Name If a hearing is scheduled in this matter, will Petitioner need an interpreter? <input type="checkbox"/> Yes (If yes, specify language _____) If a hearing is scheduled in this matter, will Respondent need an interpreter? <input type="checkbox"/> Yes (If yes, specify language _____)	Name If a hearing is scheduled in this matter, will Respondent need an interpreter? <input type="checkbox"/> Yes (If yes, specify language _____)	File Number _____ ) <input type="checkbox"/> No _____ ) <input type="checkbox"/> No
Street Address	Street Address	
P.O. Box Number	P.O. Box Number	Petition Number
City/State/Zip Code	City/State/Zip Code	
Attorney Name	Attorney Name	

The respondent hereby answers the Petition for Termination of Parental Rights ("TPR") as follows:

### Part I.

A. Petitioner(s) resides at the address stated on the Petition.

- Admitted  
 Denied for the following reason: \_\_\_\_\_

B. I (Respondent) reside at the address stated on the Petition.

- Admitted  
 Denied for the following reason: \_\_\_\_\_

C. The child(ren)'s name, date of birth, place of birth, and gender are correctly stated on the Petition.

- Admitted  
 Denied for the following reason: \_\_\_\_\_

D. The parents' names and addresses are correctly stated on the Petition.

- Admitted  
 Denied for the following reason: \_\_\_\_\_

E. The name(s) and address(es) of the person(s) or organization having the guardianship, care, control or custody of the child(ren) is correctly stated on the Petition.

- Admitted  
 Denied for the following reason: \_\_\_\_\_

F. Adoption of the child(ren) is possible and appropriate.

- Admitted  
 Denied for the following reason: \_\_\_\_\_

G. If both parents' parental rights are sought to be terminated in the Petition, the possibility of placement of the child(ren) with blood relatives has been explored.

- Admitted  
 Denied for the following reason: \_\_\_\_\_

H. Termination of my parental rights is in the best interests of the child(ren).

- Admitted  
 Denied for the following reason: \_\_\_\_\_

### **Part II. Grounds for Termination of Parental Rights - 13 Del. C. §1103(a)**

*(Attach additional copies of Part II for each additional child named in the Petition for TPR)*

I. Pursuant to 13 Del. C. §§ 1103(a)(1) and 1106, I agree (consent) that this Petition be granted and I have provided a signed and notarized *Consent to Termination and Transfer of Parental Rights* form to the Petitioner for filing with the Court.

Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

Admitted

Denied for the following reason:

J. As defined under 13 Del. C. §§1101(1) and 1103(a)(2)(a), I have intentionally abandoned the child as evidenced by the fact that one of the following statements made in the Petition is true:

i. The child is younger than 6 months olds at the time of filing of the Petition **and** I failed to pay reasonable prenatal, natal and postnatal expenses in accordance with my financial means **and** I failed to visit regularly with the child **and** I failed to manifest (show) an ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the *other* parent).

Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

Admitted

Denied for the following reason:

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ii. The child is at least 6 months old at the time of filing of the Petition **and** for at least 6 consecutive months (6 months in a row) during the year immediately before filing the Petition, I failed to make reasonable and consistent payments in accordance with my financial means for support of the child **and** I failed to communicate or visit regularly with the child **and** I failed to manifest (show) the ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the *other* parent).

Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

Admitted

Denied for the following reason:

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iii. The child is younger than 6 months old at the time of filing the Petition **and** I have manifested (shown) the unwillingness to exercise my parental rights and responsibilities as evidenced by my placing the child in circumstances leaving the child in substantial risk of injury or death.

Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.

- Admitted
- Denied for the following reason:

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K. As defined under 13 Del. C. §§1101(1) and 1103(a)(2)(b), I have unintentionally abandoned the child(ren) because for 12 consecutive months (12 months in a row) in the 18 months before this Petition was filed, I failed to communicate or visit regularly with the child **and** I failed to file or pursue a pending Petition to establish paternity or to establish the right to have contact or visitation with the child **and** I failed to manifest (show) the ability and willingness to assume legal and physical custody of the child (if the child was NOT in the physical custody of the *other* parent) **and at least 1 of the following circumstances applies:**

- The child is not in the legal and physical custody of the *other* parent and I am not able or willing promptly to assume legal and physical custody of the child, and to pay for the child's support in accordance with my financial means;
  - Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
  - Admitted
  - Denied for the following reason:

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- **OR** The child is in the legal and physical custody of the *other* parent and stepparent, and the stepparent is the prospective adoptive parent, and I am not able or willing promptly to establish and maintain contact with the child and to pay for the child's support in accordance with my financial means.
  - Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
  - Admitted
  - Denied for the following reason:

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- **OR** Placing the child in my legal and physical custody would pose a risk of substantial harm to the physical or psychological well being of the child because the circumstances of the child's conception, my behavior during the mother's pregnancy or since the child's birth, or my behavior with respect to other children indicates that I am unfit to maintain a relationship of parent and child with the child.

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted
- Denied for the following reason:

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➤ **OR** Failure to terminate my parental rights over the child would be detrimental to the minor.

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted
- Denied for the following reason:

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L. I am mentally incompetent and therefore unable to discharge parental responsibilities in the foreseeable future.

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted
- Denied for the following reason:

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M. I have been found by a court of competent jurisdiction to have committed a felony level offense found within 11 Del. C. §§ 601-792 against a victim who was a child, **or** to have aided or abetted, attempted, conspired or solicited to commit such offense found within 11 Del. C. §§ 601-792, **or** to have committed or attempted to commit the offense of *Dealing in Children* found at 11 Del. C. § 1100, **or** to have committed the felony level offense of *Endangering the Welfare of a Child* found at 11 Del. C. § 1102.

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted

Denied for the following reason:

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N. I am not able or have failed to plan adequately for the child's physical needs or mental and emotional health and development **and 1 or more of the following conditions are met:**

i. **In the case of a child in the care of the Department of Services for Children, Youth and Their Families ("the Department"),**

- The child has been in the care of the Department or licensed agency for a period of 1 year (or for a period of 6 months in the case of a child who comes into care as an infant) or there is a history of previous placement(s) of this child,
- **OR** there is a history of neglect, abuse, or lack of care of the child or other children by me,
- **OR** I am incapable of discharging parental responsibilities due to extended or repeated incarceration
- **OR** I am not able or willing to assume promptly legal and physical custody of the child and to pay for the child's support in accordance with my financial means
- **OR** failure to terminate my parental rights over this child will result in continued emotional instability

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted
- Denied for the following reason:

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ii. **In the case of a child in the home of a stepparent or blood relative,** the child has resided in the home of the stepparent or blood relative for a period of at least 1 year (or for a period of 6 months in the case of an infant) **and** I am incapable of discharging parental responsibilities and there is little likelihood that I will be able to discharge such parental responsibilities in the future.

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted
- Denied for the following reason:

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O. My parental rights over a sibling (i.e. brother or sister or half-brother or half-sister) of the child have been involuntarily terminated in a prior proceeding.

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted
- Denied for the following reason:

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P. I have subjected the child to torture, chronic abuse, sexual abuse, and/or life-threatening abuse.

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted
- Denied for the following reason:

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Q. The child has suffered unexplained serious physical injury under such circumstances as would indicate that such injuries resulted from my intentional conduct or my willful neglect.

- Not applicable because the above statement was not alleged by Petitioner in the Petition for TPR.
- Admitted
- Denied for the following reason:

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SWORN TO AND SUBSCRIBED before  
me this date:

\_\_\_\_\_  
Respondent/Attorney

\_\_\_\_\_  
Notary Public

A copy of this answer must be sent to the Petitioner.

### AFFIDAVIT OF MAILING

I affirm that a true and correct copy of this Answer was placed in the U.S. mail on this date, \_\_\_\_\_ and sent to the Petitioner or the attorney address listed on the Petition, being \_\_\_\_\_, first class postage pre-paid.

\_\_\_\_\_  
Respondent/Attorney

SWORN TO AND SUBSCRIBED before me on this date, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public