180

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

IN THE INTEREST OF  
  
Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_

**Year of Birth \_\_\_\_\_\_\_\_\_\_\_\_ A minor child**

# MOTION FOR FINDING OF UNFITNESS

**AND TERMINATION OF PARENTAL RIGHTS**

**OR APPOINTMENT OF PERMANENT CUSTODIAN**

**OR APPOINTMENT OF SOUL FAMILY LEGAL PERMANENCY**

Pursuant to K.S.A. 38-2266

Comes now **☐** the County/District Attorney or designee **☐** other\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and requests that the Court find the **☐ mother ☐ father ☐ putative father** of each child named above to be unfit and that parental rights be terminated or the court appoint a permanent custodian or appoint SOUL family legal permanency.

In support thereof movant informs the Court:

1. The name and address of the natural mother of the child is:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. The name and address of the natural father of the child is:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. The name and address of the putative father of the child is:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. The **☐ mother ☐ father ☐ putative father** is unfit by reason of conduct or condition which renders the parents unable to care properly for the child and the conduct or condition is unlikely to change in the foreseeable future.

5. *(select all that apply)*

**☐ Parental rights should be terminated.**

**☐ A permanent custodian should be appointed.**

**☐ SOUL family legal permanency should be appointed.**

6. The specific allegations are:

Movant requests the Court find the **☐ mother ☐ father ☐putative father** of each child named above to be unfit and terminate parental rights, to appoint a permanent custodian, or to appoint SOUL family legal permanency, and to enter such orders as the Court deems appropriate and just.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Movant

Name (Print): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, State, Zip: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Authority

K.S.A. 38-2266.

Notes on Use

Any party or interested party may request that either or both parents be found unfit and that the parental rights of either or both parents be terminated or a permanent custodian be appointed or SOUL family legal permanency be appointed. The specific factual allegations supporting the motion shall be included, at paragraph 6 in the form, including dates, times and locations, to the extent known. K.S.A. 38-2267 requires that the court, upon receipt of the motion, set the time and place for hearing, which shall be held within 90 days. A continuance shall be granted only if the court finds it is in the best interest of the child. The matter may be reassigned from a district magistrate judge to a district judge, upon the motion of a party. K.S.A. 38-2267. In any case in which a parent cannot be located by the exercise of due diligence, service by publication shall be ordered upon the parent, see K.S.A. 38-2237 (Forms 259-261). See Notes on Use for Form 259 for a discussion of due diligence.

Prior to hearing a motion requesting termination of parental rights or a motion for appointment of a permanent custodian or SOUL family legal permanency, the court shall appoint an attorney to represent any parent who fails to appear.

To appoint SOUL family legal permanency, the child must be 16 years of age or older, the child must agree and approve of the appointment of the SOUL family legal permanency, the child’s parents must agree and consent to the appointment unless there has been a finding of unfitness or a termination of parental rights, and the court must approve of the appointment.