# IN THE DISTRICT COURT OF COUNTY, KANSAS

In the matter of the adoption of

Baby [Boy] [Girl] ,

a minor child Case No. \_\_\_\_\_\_\_\_

# Pursuant to K.S.A. Chapter 59

# ORDER TERMINATING PARENTAL RIGHTS

# OF THE [UNKNOWN FATHER] [FATHER WHOSE

# WHEREABOUTS ARE UNKNOWN]

This matter comes before the Court on the Petition to Terminate Parental Rights of the [Unknown Father] [Father Whose Whereabouts Are Unknown] (Petition). Petitioner, , appears by and through its attorney[s], . [The unknown father] [ , whose whereabouts are unknown,] [appears only by and through his attorney[s], ] [does not appear]. There are no other appearances.

After having reviewed the file, heard the evidence and statements of counsel, and being well and fully advised in the premises, the Court finds:

1. Jurisdiction and venue are proper. The termination is being filed in connection with an adoption proceeding.

2. The allegations of the Petition are true.

3. Notice of the hearing on the Petition has been given to all interested parties as required by law. [Proof of Publication has been duly filed.]

4. is the biological mother of Baby [Boy] [Girl] (child), born on *(insert month, day, and year)* in *(insert city, county, and state of birth)*.

5. The biological mother does not know the [identity of] [whereabouts of [ ,] the father of the child. An attorney was appointed to represent his interests.

6. *(Insert facts that support this finding.)* The Indian Child Welfare Act, 25 U.S.C. 1901 *et seq*., does not apply to these proceedings.

7.  , attorney for [the unknown father] [ , whose whereabouts are unknown], has exercised due diligence to [identify] [locate] the father by *(insert attorney’s efforts, including, if applicable, consideration of the factors listed in K.S.A. 59-2136(e).*

IT IS THEREFORE ORDERED that the findings herein made constitute and are part of this Order.

IT IS THEREFORE ORDERED that the parental rights of [the unknown father] [ , whose whereabouts are unknown,] to the child are hereby terminated and that the adoption of Baby [Boy] [Girl] may proceed without any further notice of any adoption proceedings to the father.

 IT IS THEREFORE ORDERED that this is a final judgment that is appealable as a matter of right. The termination of parental rights is not effective until a Decree of Adoption has been filed.

This Order is effective as of the date and time shown on the electronic file stamp.

APPROVED BY:

By

 Attorney[s] for Petitioner

By:

 Attorney for [Unknown Father] [Unlocated Father]

**Notes on Use:**

This form should be used 1) when a petition to terminate parental rights in an adoption case is filed separately from the petition for adoption (see K.S.A. 59-2136(d)(2)), and 2) in cases where the father is unknown or whose whereabouts are unknown and he fails to appear in person. The form has been drafted to satisfy the most common factual situations. The attorney may need to modify the form to adapt to other fact situations.

If this order is not appealed, it is sufficient to satisfy the requirement in K.S.A. 59-2128 to demonstrate that the necessity for a consent or relinquishment is eliminated.