

TERMINATION OF PARENTAL RIGHTS OF ONLY ONE PARENT

STATE	CAN THE COURT TERMINATE THE PARENTAL RIGHTS OF ONLY ONE PARENT?	STATUTE	STATUTORY LANGUAGE
Alabama	Silent on the issue.		
Alaska	Yes.	§ 47.10.088(h)	The court may order the termination of parental rights and responsibilities of one or both parents under § 47.10.080(c)(3) and commit the child to the custody of the department. The rights of one parent may be terminated without affecting the rights of the other parent.
Arizona	Silent on the issue.		
Arkansas	Yes, if it is in the best interest of the child.	§ 9-27-341(iii)	A court may terminate the rights of one (1) parent and not the other parent if the court finds that it is in the best interest of the child.
California	No, except under limited circumstances.	CA ST FAM JUV Rule 5.725	(2) The court may not terminate the rights of only one parent under § 366.26 unless that parent is the only surviving parent; or unless the rights of the other parent have been terminated under division 12, part 3, chapter 5 (commencing with § 7660), or division 12, part 4 (commencing with § 7800) of the Family Code, or Family Code §§ 8604, 8605, or 8606; or unless the other parent has relinquished custody of the child to the welfare department.
Colorado	Silent on the issue.		
Connecticut	Yes.	§ 45a-715(a)	Providing that certain individuals may petition the

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			Court of Probate to terminate parental rights of all persons who may have parental rights regarding any minor child or for the termination of parental rights of only one parent provided the application so states.
Delaware	No, unless adoption is contemplated or the continuation of parental rights is determined to be harmful to the child.	Title 13 § 1103(b)	Unless adoption is contemplated, the termination of one parent's rights shall not be granted if the effect will be to leave only one parent holding parental rights, unless the Court finds that the continuation of the rights to be terminated will be harmful to the child.
District of Columbia	Yes.	§ 16-2352(a)(2)	“[T]ermination of the parent and child relationship” means the adjudication that a child is free from the custody and control of either or both of his or her living parents by means of a court order that completely severs and extinguishes the parent and child relationship.
Florida	Yes, under limited circumstances.	§ 39.811(6)	The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances: (a) If the child has only one surviving parent; (b) If the identity of a prospective parent has been established as unknown after

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			sworn testimony; (c) If the parent whose rights are being terminated became a parent through a single-parent adoption; (d) If the protection of the child demands termination of the rights of a single parent; or (e) If the parent whose rights are being terminated meets any of the criteria specified in § 39.806(1)(d) and (f)-(m).
Georgia	Yes.	§ 15-11-105	Nothing in this article shall be construed as affecting the rights of a parent other than the parent who is the subject of the proceedings.
Hawaii	Yes.	§ 571-63	In any judgment entered pursuant to §§ 571-61 to 571-63 the court may terminate the parental rights of one or both of the parents of the child concerned
Idaho	Silent on the issue.		
Illinois	Silent on the issue.		
Indiana	Silent on the issue.		
Iowa	Silent on the issue.		
Kansas	Yes.	§ 38-2266(a)	Either in the original petition filed under this code or in a motion made in an existing proceeding under this code, any party or interested party may request that either or both parents be found unfit and the parental rights of either or both

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			parents be terminated or a permanent custodian be appointed.
Kentucky	Yes.	§ 625.090(6)	Upon the conclusion of proof and argument of counsel, the Circuit Court shall enter findings of fact, conclusions of law, and a decision as to each parent-respondent within thirty (30) days either: (a) Terminating the right of the parent; or (b) Dismissing the petition and stating whether the child shall be returned to the parent or shall remain in the custody of the state.
Louisiana	Silent on the issue.		
Maine	Yes.	Title 22 § 4056(2)	Only one parent affected. The termination of one parent's rights shall not affect the rights of the other parent.
Maryland	Silent on the issue.		
Massachusetts	Silent on the issue.		
Michigan	Yes, if certain conditions are met.	§ 710.51	(1) Not later than 14 days after receipt of the report of investigation, except as provided in subsections (2) and (5), the judge shall examine the report and shall enter an order terminating the rights of the child's parent or parents, if there was a parental consent, or the rights of any person in loco parentis, if there was a consent

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			<p>by one other than the parents, and approve placement of the child with the petitioner if the judge is satisfied as to both of the following:</p> <p>(a) The genuineness of consent to the adoption and the legal authority of the person or persons signing the consent.</p> <p>(b) The best interests of the adoptee will be served by the adoption. . . .</p> <p>(6) If the parents of a child are divorced, or if the parents are unmarried but the father has acknowledged paternity or is a putative father who meets the conditions in section 39(2) of this chapter, and if the parent having legal custody of the child subsequently marries and that parent's spouse petitions to adopt the child, the court upon notice and hearing may issue an order terminating the rights of the other parent if both of the following occur:</p> <p>(a) The other parent, having the ability to support, or assist in supporting, the child, has failed or neglected to provide regular and substantial support for the child or if a support order has been entered, has failed to substantially comply with the</p>

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			<p>order, for a period of 2 years or more before the filing of the petition.</p> <p>(b) The other parent, having the ability to visit, contact, or communicate with the child, has regularly and substantially failed or neglected to do so for a period of 2 years or more before the filing of the petition.</p>
Minnesota	Yes.	MN ST JUV PROT Rule 42.10(b)	<p><i>Order When Parental Rights of Both Parents Not Terminated.</i></p> <p>When the rights of both known, living parents are not terminated at the same time, the order terminating the rights of one parent, but not both parents, shall not award guardianship and legal custody to a person or entity until and unless the rights of both parents are terminated or the child is free for adoption due to consent of a parent to adoption under Minnesota Statutes § 260C.201, subd. 11, or § 259.24. The order may continue legal custody of the child with the responsible social services agency.</p>
Mississippi	Yes.	§ 93-15-109	<p>The termination of the parental rights of one (1) parent may be made without affecting the parental rights of the other parent, should circumstances and evidence ever so warrant.</p>

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Missouri	Yes.	§ 211.477(2)	If only one parent consents or if the conditions specified in § 211.447 are found to exist as to only one parent, the rights of only that parent with reference to the child may be terminated and the rights of the other parent shall not be affected.
Montana	Silent on the issue.		
Nebraska	Silent on the issue.		
Nevada	Yes, if there is a finding of abandonment by that parent.	§ 128.105	The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination. An order of the court for the termination of parental rights must be made in light of the considerations set forth in this section and §§ 128.106 to 128.109, inclusive, and based on evidence and include a finding that: <ol style="list-style-type: none"> 1. The best interests of the child would be served by the termination of parental rights; and 2. The conduct of the parent or parents was the basis for a finding made pursuant to subsection 3 of § 432B.393 or demonstrated at least one of the following: (g) With respect to termination of the parental rights of one

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			parent, the abandonment by that parent.
New Hampshire	Yes.	§ 170-C:11, III	Notwithstanding the provisions of § 170-C:11, II, the court may terminate the parent-child relationship with respect to one parent without affecting the relationship between the child and the other parent, and unless the court finds that the best interest of the child requires substitution or supplementation of parental care and supervision, it shall award guardianship and vest legal custody in the other parent.
New Jersey	Yes.	§ 9:2-15	No surrender of custody by, nor termination of the parental rights of, one parent shall affect the rights of the other parent; nor may one parent act as the agent or representative of the other parent in the surrender of custody or termination of parental rights.
New Mexico	Silent on the issue.		
New York	Silent on the issue.		
North Carolina	Yes.	§ 7B-1111	(a) The court may terminate the parental rights upon a finding of one or more of the following: (1) The parent has abused or neglected the juvenile. The juvenile shall be deemed to be abused or neglected if the court finds the juvenile to be an

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			<p>abused juvenile within the meaning of § 7B-101 or a neglected juvenile within the meaning of § 7B-101.</p> <p>(2) The parent has willfully left the juvenile in foster care or placement outside the home for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made in correcting those conditions which led to the removal of the juvenile. Provided, however, that no parental rights shall be terminated for the sole reason that the parents are unable to care for the juvenile on account of their poverty.</p> <p>(3) The juvenile has been placed in the custody of a county department of social services, a licensed child-placing agency, a child-caring institution, or a foster home, and the parent, for a continuous period of six months next preceding the filing of the petition or motion, has willfully failed for such period to pay a reasonable portion of the cost of care for the juvenile although physically and financially able to do so.</p> <p>(4) One parent has been awarded</p>

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			custody of the juvenile by judicial decree or has custody by agreement of the parents, and the other parent whose parental rights are sought to be terminated has for a period of one year or more next preceding the filing of the petition or motion willfully failed without justification to pay for the care, support, and education of the juvenile, as required by said decree or custody agreement.
North Dakota	No, unless the other parent has relinquished parental rights or those rights have already been terminated.	§ 27-20-45(3)	The court shall add as respondent to the petition and cause to be served with a summons any person identified by the court as an unnamed parent, unless the person has relinquished parental rights, or parental rights have been previously terminated by a court.
Ohio	Silent on the issue.		
Oklahoma	Silent on the issue.		
Oregon	Yes.	§ 419B.500	The rights of one parent may be terminated without affecting the rights of the other parent.
Pennsylvania	Yes, by one parent against the other parent.	§ 2512(a)	Who may file.--A petition to terminate parental rights with respect to a child under the age of 18 years may be filed by any of the following: (1) Either parent when termination is sought with respect to the other parent. . . .

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Rhode Island	Silent on the issue.		
South Carolina	Yes.	§ 63-7-2590(B)	The relationship between a parent and child may be terminated with respect to one parent without affecting the relationship between the child and the other parent.
South Dakota	Yes.	§ 26-8A-27	On completion of a final dispositional hearing regarding a child adjudicated to be abused or neglected, the court may enter a final decree of disposition terminating all parental rights of one or both parents of the child if the court finds, by clear and convincing evidence, that the least restrictive alternative available commensurate with the best interests of the child with due regard for the rights of the parents, the public, and the state so requires.
Tennessee	Yes.	Tennessee Rules of Juvenile Procedure, Rule 39(a)	A petition to terminate the parental rights of either or both parents to a minor child may be filed by: the prospective adoptive parent(s) of the child, including extended family members caring for related children; any licensed child-placing agency having custody of the child; the child's guardian ad litem; a court appointed special advocate (CASA) agency; or the

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			Department of Children's Services.
		§ 36-1-113	(l)(1) An order terminating parental rights shall have the effect of severing forever all legal rights and obligations of the parent or guardian of the child against whom the order of termination is entered and of the child who is the subject of the petition to that parent or guardian
Texas	Silent on the issue.		
Utah	Silent on the issue.		
Vermont	Yes.	§ 5231(c)	Standard of proof. If the court terminates the parental rights of one or both parents, the standard of proof on the issue of such termination shall be clear and convincing evidence. On all other issues, the standard of proof shall be a preponderance of the evidence.
Virginia	Silent on the issue.		
Washington	Yes.	§ 13.34.200	The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.
West Virginia	Silent on the issue.		
Wisconsin	Yes.	§ 48.417	(1) Filing or joining in petition; when required. Subject to sub. (2), an agency or the district attorney, corporation counsel or other appropriate official

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			designated under § 48.09 shall file a petition under § 48.42 (1) to terminate the parental rights of a parent or the parents of a child. . .
Wyoming	Yes.	§ 14-2-315	The order terminating the parent-child legal relationship shall be in writing and shall contain the findings of the court. If the court terminates the parent-child legal relationship of either one (1) or both parents, it shall fix the responsibility for the child's support and appoint a guardian of the child's person or estate or both.

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