

Involuntary Termination of Parental Rights in Virginia



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Under certain circumstances the rights of parents can be involuntarily terminated by court action.

Parents must be afforded due process, and the procedures must be adhered to strictly.

Circumstances That Are Grounds for Termination of Parental Rights Virginia Code § 16.1-283

The court may terminate a parent's parental rights under any of the following circumstances:

- The parent has abandoned the child.
- The parent is unable to discharge his or her parental duties due to:
 - Emotional illness, mental illness, or mental deficiency
 - Habitual abuse or addiction to intoxicating liquors, narcotics, or other dangerous drugs
- The parent has subjected the child to aggravated circumstances, including, but not limited to, torture, chronic or severe abuse, or chronic or severe sexual abuse. It includes the failure to protect the child from such conduct.
- Reasonable efforts to rehabilitate the parent have failed.
- The parent has been convicted of:
 - Murder or voluntary manslaughter of a child of the parent, a child with whom the parent resided, or the other parent of the child
 - Felony attempt, conspiracy, or solicitation to commit any such offense

- A felony assault that results in serious bodily injury, felony bodily wounding, or felony sexual assault, and the victim was a child of the parent or a child residing with the parent
- The parent has failed to maintain continuing contact with the child for 6 months after the child has been placed in foster care.
- Parental rights to another child of the parent have been involuntarily terminated.

Circumstances That Are Exceptions to Termination of Parental Rights Virginia Code § 16.1-283

Notwithstanding any other provisions of this section, residual parental rights shall not be terminated if it is established that the child, if he or she is age 14 or older or otherwise of an age of discretion as determined by the court, objects to such termination.

Residual parental rights of a child age 14 or older may be terminated over the objection of the child if the court finds that any disability of the child reduces the child's developmental age and that the child is not otherwise of an age of discretion.

Additional Resources

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