

### **Rule 35. Termination of the Parent and Child Relationship; Filing of Motion**

(a) Filing. A motion for termination of the parent and child relationship may be filed by the District of Columbia or the child's guardian ad litem/counsel. Such a motion may be filed:

(1) When at least six months have passed since a child was adjudicated neglected and the child is in the court-ordered custody of a department, agency, institution, or person other than the parent, or,

(2) Immediately upon adjudication when, despite reasonable efforts to do so, the parent could not be located for the fact-finding hearing and during the period from the removal from the home and the fact finding hearing.

(b) Mandatory filing. Unless a motion has already been filed by the child's guardian ad litem, a motion for termination of the parent and child relationship shall be filed by the District of Columbia upon the occurrence of any one of the following conditions, unless a notice is filed with the Court pursuant to subsection (c), specifying the reason(s) for the decision of the District of Columbia not to do so:

(1) The child has been in court-ordered custody under the responsibility of the District of Columbia for 15 of the most recent 22 months;

(2) The Family Court has determined the child to be abandoned;

(3) A court of competent jurisdiction has determined that the child's parent has:

(A) Committed murder of the child's sibling or another child;

(B) Committed voluntary manslaughter of the child's sibling or another child;

(C) Aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter; or

(D) Committed a felony assault that has resulted in serious bodily injury to the child, the child's sibling, or another child; or

(4) A judicial officer of the Family Court has determined that the child's parent has subjected the child to intentional and severe mental abuse.

(c) Exemptions from mandatory filing. The District of Columbia need not file a motion for termination of the parent and child relationship upon the occurrence of one or more conditions specified in subsection (b), if:

(1) A motion for termination of the parent and child relationship and/or a petition for adoption has been filed by the child's guardian ad litem. In this case the District shall seek to be joined as a party to the pending motion; or

(2) The Child and Family Services Agency has documented in the case plan, and the Court has determined, that:

(A) The child is being cared for by an approved kinship caregiver and adoption is not the child's permanency plan;

(B) There is a compelling reason why termination of the parent and child relationship would not be in the best interest of the child; or

(C) The District has not offered or provided to the family of the child, consistent with the time period in the case plan, such services as the District deems necessary for the safe return of the child to the child's home, if reasonable efforts are required to be made with respect to the child pursuant to D.C. Code § 4-1301.09a.