

Rule 38. Adjudicatory Hearing on Motion for Termination of Parent and Child Relationship

(a) *Preliminary inquiries.* The judicial officer shall begin the hearing by determining whether service has been effected on all parties, whether all parties are present, and whether all parties are represented by counsel, and shall have these facts recorded. If the judicial officer finds that service has been effected but a party is not present, the judicial officer may proceed with the hearing if counsel for the party is present.

(b) *Evidence.* The rules of evidence governing civil proceedings in the Superior Court shall apply to hearings on motions to terminate the parent and child relationship.

(c) *Proposed findings of fact.* The judicial officer may require counsel to submit proposed findings of fact and conclusions of law.

(d) *Burden of proof.* An order of termination shall be entered only upon a finding by clear and convincing evidence that grounds exist for termination of the parent and child relationship under D.C. Code § 16-2353 and that termination of the parent and child relationship is in the best interest of the child.