

TERMINATION OF PARENTAL RIGHTS: MANIFEST BEST INTERESTS WORKSHHET § 39.810

Manifest Best Interests (MBI) <i>Not a comparison between parents and placement; must consider factors including but not limited to:</i>	Possible Proof - Evidence <i>Examples</i>	What Information GAL has & Needs
<p>Any suitable permanent custody arrangement with a relative of the child. However, the availability of a nonadoptive placement with a relative may not receive greater consideration than any other factor weighing on the manifest best interests of the child and may not be considered as a factor weighing against termination of parental rights. If a child has been in a stable or preadoptive placement for not less than 6 months, the availability of a different placement, including a placement with a relative, may not be considered as a ground to deny the termination of parental rights. § 39.810(1)</p>	<p>Testimony that the department and GAL have inquired about and investigated potential relatives; relatives are willing to adopt, thus this element is inapplicable; at shelter, the court is required to inquire of the parents whether the parents have any relatives who might be a placement for the child and the parents are required to provide identification and location information regarding these relatives. This is a CONTINUING DUTY of the parents §39.402(17)</p> <p>Distinction between relatives that are willing to adopt verses relatives that only willing to keep the child in a Permanent Guardianship or Long-Term Relative Placement</p>	
<p>The ability and disposition of the parent or parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under state law instead of medical care, and other material needs of the</p>	<p>GAL testimony that they talked to providers, described continued troubling behavior (be careful of hearsay); testimony about parents employment, housing; What the GAL has observed; parents unwillingness to assume</p>	

child. § 39.810(2)	responsibilities	
The capacity of the parent or parents to care for the child to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered upon the child's return home. § 39.810(3)	<p>Testimony of service worker - services offered, services completed, issues that led to dependency been resolved, consistency & concerns re: visitation</p> <p>Expert testimony – psychological evaluations, diagnosis, opinion of parents ability to parent, opinion if child would be at risk if returned</p>	
The present mental and physical health needs of the child and such future needs of the child to the extent that such future needs can be ascertained based on the present condition of the child. § 39.810(4)	Expert testimony – diagnosis of child, how parent’s conduct emotionally affected child; GAL testimony that they have observed child’s abilities, disabilities and needs; testimony regarding services being provided by the custodian or the department; if needs expected to continue	
The love, affection, and other emotional ties existing between the child and the child's parent or parents, siblings, and other relatives, and the degree of harm to the child that would arise from the termination of parental rights and duties. § 39.810(5)	Testimony – GAL observation of visits; behavior before and after placement; behavior before and after visitation; statement of child	
The likelihood of an older child remaining in long-term foster care upon termination of parental rights, due to emotional or behavioral problems or any special needs of the child. § 39.810(6)	Child is receiving services; child will continue to receive services; behavioral and emotional issues will or will not continue – expert testimony	
The child's ability to form a significant relationship with a parental substitute and the likelihood that the child will enter into a more stable and permanent family relationship as a result of permanent	GAL testimony; length of time child been in placement; GAL witnessed interaction between the child and the custodians; observation of visitation as to each child (stories of attachment); this is a home that	

<p>termination of parental rights and duties. § 39.810(7)</p>	<p>will lead to permanency</p>	
<p>The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity. § 39.810(8)</p>	<p>GAL testimony, service worker testimony; length of time on case; length of time child with the present custodian; permanency; therapist testimony</p>	
<p>The depth of the relationship existing between the child and the present custodian. § 39.810(9)</p>	<p>GAL testimony, service worker testimony, expert testimony; length of time on the case; child's adjustment to foster care; observation of the child with the present custodian; how child gets along with the present custodian, and other children in the home; length of time child been with the present custodian; child's opinion regarding adoption; harm to child if placement is disrupted</p>	
<p>The reasonable preferences and wishes of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference. § 39.810(10)</p>	<p>GAL testimony; child's wishes</p>	
<p>The recommendations for the child provided by the child's guardian ad litem or legal representative. § 39.810(11)</p>	<p>GAL Testimony (reviewed dependency file, length of time on the case, met with child, discussed with child, discussed the possibility of adoption, how GAL came to their recommendations)</p>	

Court must make specific finding that TPR is in **each child's** Manifest Best Interests