

Client Letter: Re Termination

[Sample client letter](#) | [Parent did not appear for trial](#)

Melissa Muñoz PC

1777 NE Loop 410, Suite 600
San Antonio, TX 78217

(210) 504-4504
melissa@mmunozlaw.com

I was appointed to represent you in the State's proceeding to terminate your relationship with your child. You did not appear for trial, and the Court held the trial without you. The trial on the State's petition to terminate your relationship with your child(ren) was held today, and your rights to your child were legally terminated. The Court found by clear and convincing evidence that termination of your rights is in the children's best interests and that you:

- (A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;
- (B) voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months;
- (C) voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months;
- (D) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;
- (E) engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child;
- (F) failed to support the child in accordance with the parent's ability during a period of one year ending within six months of the date of the filing of the petition;
- (G) abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence;
- (H) voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth;
- (I) contumaciously refused to submit to a reasonable and lawful order of a court under Subchapter D, Chapter 261;
- (J) been the major cause of:
 - (i) the failure of the child to be enrolled in school as required by the Education Code; or
 - (ii) the child's absence from the child's home without the consent of the parents or guardian for a substantial length of time or without the intent to return;
- (K) executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by this chapter;
- (L) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following

sections of the Penal Code, or under a law of another jurisdiction that contains elements that are substantially similar to the elements of an offense under one of the following Penal Code sections, or adjudicated under Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

- (i) Section 19.02 (murder);
 - (ii) Section 19.03 (capital murder);
 - (iii) Section 19.04 (manslaughter);
 - (iv) Section 21.11 (indecent with a child);
 - (v) Section 22.01 (assault);
 - (vi) Section 22.011 (sexual assault);
 - (vii) Section 22.02 (aggravated assault);
 - (viii) Section 22.021 (aggravated sexual assault);
 - (ix) Section 22.04 (injury to a child, elderly individual, or disabled individual);
 - (x) Section 22.041 (abandoning or endangering child);
 - (xi) Section 25.02 (prohibited sexual conduct);
 - (xii) Section 43.25 (sexual performance by a child);
 - (xiii) Section 43.26 (possession or promotion of child pornography);
 - (xiv) Section 21.02 (continuous sexual abuse of young child or children);
 - (xv) Section 20A.02(a)(7) or (8) (trafficking of persons); and
 - (xvi) Section 43.05(a)(2) (compelling prostitution);
- (M) had his or her parent-child relationship terminated with respect to another child based on a finding that the parent's conduct was in violation of Paragraph (D) or (E) or substantially equivalent provisions of the law of another state;
- (N) constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months, and:
- (i) the department has made reasonable efforts to return the child to the parent;
 - (ii) the parent has not regularly visited or maintained significant contact with the child; and
 - (iii) the parent has demonstrated an inability to provide the child with a safe environment;
- (O) used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the child, and:
- (i) failed to complete a court-ordered substance abuse treatment program; or
 - (ii) after completion of a court-ordered substance abuse treatment program, continued to abuse a controlled substance;
- (P) knowingly engaged in criminal conduct that has resulted in the parent's:
- (i) conviction of an offense; and
 - (ii) confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition;

- (Q) been the cause of the child being born addicted to alcohol or a controlled substance, other than a controlled substance legally obtained by prescription;
- (R) voluntarily delivered the child to a designated emergency infant care provider under Section 262.302 without expressing an intent to return for the child;
- (S) been convicted of:
 - (i) the murder of the other parent of the child under Section 19.02 or 19.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 19.02 or 19.03, Penal Code;
 - (ii) criminal attempt under Section 15.01, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.01, Penal Code, to commit the offense described by Subparagraph (i);
 - (iii) criminal solicitation under Section 15.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.03, Penal Code, of the offense described by Subparagraph (i); or
 - (iv) the sexual assault of the other parent of the child under Section 22.011 or 22.021, Penal Code, or under a law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 22.011 or 22.021, Penal Code; or
- (T) been placed on community supervision, including deferred adjudication community supervision, or another functionally equivalent form of community supervision or probation, for being criminally responsible for the sexual assault of the other parent of the child under Section 22.011 or 22.021, Penal Code, or under a law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 22.011 or 22.021, Penal Code;

You have the right to appeal the Court's order. Your deadlines are very short and very strict. **Your notice of appeal must be filed no later than 20 days** The State will proceed with adoption proceedings for your child if you do not timely appeal. Please call me **IMMEDIATELY** if you wish to appeal.

Under Texas law, there is a way to reinstate parental rights after termination in cases where the Department of Family and Protective Services (CPS) was involved. The law requires that two years have passed since the termination and that the child has not been adopted. For more information contact (844) 888-6565.

Sincerely,

Melissa Ramos Munoz
SBN 00786186