



FACTORS TO BE CONSIDERED IN TERMINATION OF PARENTAL RIGHTS

In the recent Arizona case of *Kenneth B. v. Tina B.*, 226 Ariz.23, 243 P.3d 636, the Arizona Court of Appeals looked at what is required under current Arizona law to determine whether a parent has abandoned the children and the custodial parents may terminate custody.

The parties shared joint legal custody of the minor children pursuant to their divorce decree. The divorce decree provided that the mother's relatives ("caregivers") would retain physical custody of the children until further court order. Mother petitioned for physical custody of the children five (5) years after the divorce decree and the caregivers filed a petition to terminate her parental rights based upon abandonment. The motion to terminate was denied by the trial court which held that mother's lack of visits and non-payment of child support did not constitute an intentional relinquishment of her parent rights. The court of Appeals reversed and remanded, holding that the trial court had misapplied current Arizona law in its determination that mother had not abandoned the children because it only looked at one definition of abandonment, the intentional relinquishment of parent rights by maintaining only minimum contact with the children. The Court of Appeals held that the correct standard for the trial court to apply is whether mother maintained regular contact, a normal parental relationship with the children and involuntarily provided them with financial support.