

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN



**INSTRUCTIONS
FOR FILING A PETITION FOR AN
ORDER FOR TERMINATION OF PARENTAL RIGHTS**

WHERE TO FILE

A petition shall be filed in either of the following:

- 1) The county in which a child resides or is found
- 2) The county in which any of the acts which are set forth in Chapter 2 are alleged to have occurred.

HOW TO FILE

Prior to a Petition for Adoption being filed, it is necessary to first terminate the parental rights of the non-custodial parent. In order to do this you must:

- 1) File a *Petition to Declare Child Free from Custody and Control of Either or Both Parents* (CV022). At the time of filing the petition you will be given a court date approximately 90 days hence.
- 2) If possible, the absent parent must be served with a *Citation to Appear* (CV023). Use the court date on the *Citation to Appear* issued at the time of filing the *Petition to Declare Child Free from Parental Custody and Control*. Provide proof of service to the court. Use Judicial Council Form FL-335. (<http://www.courts.ca.gov/fl335.pdf>)
- 3) If you are unable to locate the absent parent you must submit to the court a *Application For Order For Publication of Citation* (CV035) and the *Order for Publication of Citation* (CV036). After the order is signed by the judge, the citation to appear must be published for four consecutive weeks in a newspaper where the absent parent last resided or where you believe the absent parent may now reside. Proof of publication must be provided to the court.
- 4) On the day of hearing regarding the publication you must prepare an *Order Declaring Child Free from Parental Custody and Control* for the judge's signature. (CV024)

Should the Court find it appropriate to terminate the parental rights of the absent parent, a *Petition for Adoption* can then be filed. (<http://www.courts.ca.gov/adopt200.pdf>)