**Opening Statement**

[CHILD] is an **energetic** and **affectionate** [AGE] year old child and the evidence today will show that [HE/SHE] has been thriving in the care of [PETITIONER], [HIS/HER] foster mother and has lived with her since [MONTH YEAR], over half of [HIS/HER] short life. The court will hear that [PETITIONER] has provided the kind of loving, nurturing, and consistent home that [CHILD] needs to continue developing into a healthy, well-rounded young [MAN/WOMAN]. As [CHILD]’s foster mother, [PETITIONER] has come to love [CHILD] as her own [SON/DAUGHTER], and she considers [HIM/HER] to be a part of her family. Now [PETITIONER] wants to adopt [CHILD] to ensure that [HE/SHE] will always be a part of her family and to ensure that [HE/SHE] has a bright future.

Before [CHILD] came to live with [PETITIONER], [HIS/HER] life was fraught with instability. Today, the court will hear evidence that [CHILD]’s birth mother, [BIRTH MOTHER], has been an inconsistent and unstable presence in [HIS/HER] life. When [CHILD] was only a few weeks old, [BIRTH MOTHER] was unable provide a safe and stable home environment for [HIM/HER]; after [CHILD] was removed from her because of purported domestic violence between [BIRTH MOTHER] and her mother, she asked [PUTATIVE BIRTH FATHER] to care for [HIM/HER]. After [CHILD] was removed from [PUTATIVE BIRTH FATHER] because of his PCP use, [BIRTH MOTHER] was still unable to provide a home for [CHILD].

The court will also hear evidence that [BIRTH MOTHER] has failed to comply with this court’s orders – specifically that she has not made the appropriate efforts to address and manage her mental illness and emotional issues, and that she is not able to provide a safe and stable home for [CHILD]. The court will also hear evidence that [BIRTH MOTHER] was provided the opportunity for supervised visits with [CHILD], but on many occasions, she cancelled the visits or simply did not attend. With regard to [CHILD]’s birth father, [ACTUAL BIRTH FATHER] the court will hear evidence that [CHILD] has never met [ACTUAL BIRTH FATHER] and that [ACTUAL BIRTH FATHER] has never tried to contact CFSA to be involved in [CHILD]’s life.

Fortunately for [CHILD], [PETITIONER] is committed to providing [HIM/HER] with a permanent and loving home. The court will hear evidence that [PETITIONER] has taken measures to address [CHILD]’s special learning needs, and that she is invested in ensuring a bright future for [HIM/HER]. The court will also hear testimony from [CHILD]’s social worker that adoption with [PETITIONER] is in [CHILD]’s best interests. Lastly, the court will hear not only that [PETITIONER] is able to provide [CHILD]with the attention, care, and love that [HE/SHE] deserves, but also that she has integrated [HIM/HER] into her immediate and extended family and her family whole-heartedly supports [PETITIONER]’s decision to adopt [CHILD]. Under D.C. Code § 16-309, the evidence will clearly show that [PETITIONER] is well-suited to adopt [CHILD], and that an adoption by [PETITIONER] is in [CHILD]’s very best interests.

At the close of evidence, [PETITIONER] will ask that this court to find that there is a factual basis for the termination of [BIRTH MOTHER]’s and [ACTUAL BIRTH FATHER]’s parental rights pursuant to D.C. Code § 16-2353(b). [PETITIONER] will also ask that the court to waive [CHILD]’s birth parents’ consent to [PETITIONER]’s adoption of [CHILD] pursuant to D.C. Code § 16-304 (e). [PETITIONER] will also ask that the consent of [ACTUAL BIRTH FATHER] be waived, pursuant to 16-304 (d) and (e), as [ACTUAL BIRTH FATHER] has abandoned [CHILD]. [CHILD] deserves a stable, loving, and nurturing home, and the evidence will show that only adoption by [PETITIONER] will ensure this.

**Relevant Code:**

**DC Code § 16-2353 (b)**

**Termination of parental rights**

* Evidence presented demonstrates that it is in the best interests of the child
  + Factors in determining child’s best interest:
    - 1) child’s need for continuity of care and caretakers; timely integration into a stable and permanent home; taking into account the child’s developmental age
    - 2) physical, mental, and emotional health of all individuals involved to the degree that such affects the welfare of the child
      * Decisive consideration: physical, mental, and emotional needs of the child
    - 3) quality of interaction and interrelationship w/ his/her foster parent/caretaker and parents
    - 4) child’s opinion
    - 5) evidence that drug-related activity continues to exist in the home after intervention + services provided

**DC Code § 16-304**

**Consent to Petition for Adoption**

* 16-304 (d) -- For parent who has “abandoned the prospective adoptee and voluntarily failed to contribute to his support for a period of at least six months preceding date of filing of petition,” then their consent is not required, as long as notice has been provided.
* 16-304 (e) – petition for adoption without any consents may be granted if the court finds **those consents are withheld contrary to the best interest of the child.**

**DC Code § 16-309**

**Adoption Proceedings**

* 16-309 (b) -- The court, after considering the petition, consents, and such evidence as the parties and any other properly interested person may present, the court may enter a final or interlocutory decree of adoption when it is satisfied that:
  + 1) prospective adoptee is physically, mentally, and otherwise **suitable** for adoption by the petitioner;
  + 2) **petitioner is fit, able to give adoptee proper home and education**;
  + 3) the adoption will be for the **best interests of the prospective adoptee**; and
  + 4) adoption form completed
* 16-309 (c)(1) – 6 month requirement (prospective adoptee living with petitioner)