Grounds for Termination (Tenn. Code Ann. §36-1-113(g))

1. Abandonment by the parent or guardian
   1. Failure to visit in 4 months preceding filing of the petition
   2. Failure to support in 4 months preceding filing of the petition
   3. Failure to provide a suitable home
   4. Failure of biological father to support or visit mother prior to birth
   5. Incarcerated all or part of the 4 months preceding filing of the petition and:
      1. Failed to visit
      2. Failed to support
      3. Engaged in conduct that exhibits wanton disregard for the welfare of the child
   6. Safe Haven
2. There has been substantial noncompliance by the parent or guardian with the statement of responsibilities in a permanency plan
3. Persistent Conditions
4. Severe Child Abuse against any child
5. 2+ years imprisonment for severe child abuse against any child
6. 10+ year sentence and child under 8
7. Convicted/found civilly liable for murder/death of other parent
8. Mentally incompetent to provide for further care and supervision of the child
9. Putative Father grounds
   1. Failure to support
   2. Failure to visit
   3. Failed to manifest ability and willingness to assume legal and physical custody
   4. Placing custody of child would pose risk of substantial harm to child
   5. Failure to file a petition to establish paternity of the child within thirty (30) days after notice of alleged paternity
10. Convicted of aggravated rape, rape, or rape of child that resulted in child’s conception
11. Severe child sexual abuse
12. Convicted of commercial sex trafficking
13. Convicted of sex trafficking of children
14. Failure to manifest an ability and willingness to personally assume legal and physical custody or financial responsibility of the child, and placing the child in the person's legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the child; and
15. Convicted of attempted murder of other parent

Best Interests (Tenn. Code Ann. § 36-1-113(i))

(i)(1) In determining whether termination of parental or guardianship rights is in the best interest of the child, the court shall consider all relevant and child-centered factors applicable to the particular case before the court. Those factors may include, but are not limited to, the following:

(A) The effect a termination of parental rights will have on the child's critical need for stability and continuity of placement throughout the child's minority;

(B) The effect a change of caretakers and physical environment is likely to have on the child's emotional, psychological, and medical condition;

(C) Whether the parent has demonstrated continuity and stability in meeting the child's basic material, educational, housing, and safety needs;

(D) Whether the parent and child have a secure and healthy parental attachment, and if not, whether there is a reasonable expectation that the parent can create such attachment;

(E) Whether the parent has maintained regular visitation or other contact with the child and used the visitation or other contact to cultivate a positive relationship with the child;

(F) Whether the child is fearful of living in the parent's home;

(G) Whether the parent, parent's home, or others in the parent's household trigger or exacerbate the child's experience of trauma or post-traumatic symptoms;

(H) Whether the child has created a healthy parental attachment with another person or persons in the absence of the parent;

(I) Whether the child has emotionally significant relationships with persons other than parents and caregivers, including biological or foster siblings, and the likely impact of various available outcomes on these relationships and the child's access to information about the child's heritage;

(J) Whether the parent has demonstrated such a lasting adjustment of circumstances, conduct, or conditions to make it safe and beneficial for the child to be in the home of the parent, including consideration of whether there is criminal activity in the home or by the parent, or the use of alcohol, controlled substances, or controlled substance analogues which may render the parent unable to consistently care for the child in a safe and stable manner;

(K) Whether the parent has taken advantage of available programs, services, or community resources to assist in making a lasting adjustment of circumstances, conduct, or conditions;

(L) Whether the department has made reasonable efforts to assist the parent in making a lasting adjustment in cases where the child is in the custody of the department;

(M) Whether the parent has demonstrated a sense of urgency in establishing paternity of the child, seeking custody of the child, or addressing the circumstance, conduct, or conditions that made an award of custody unsafe and not in the child's best interest;

(N) Whether the parent, or other person residing with or frequenting the home of the parent, has shown brutality or physical, sexual, emotional, or psychological abuse or neglect toward the child or any other child or adult;

(O) Whether the parent has ever provided safe and stable care for the child or any other child;

(P) Whether the parent has demonstrated an understanding of the basic and specific needs required for the child to thrive;

(Q) Whether the parent has demonstrated the ability and commitment to creating and maintaining a home that meets the child's basic and specific needs and in which the child can thrive;

(R) Whether the physical environment of the parent's home is healthy and safe for the child;

(S) Whether the parent has consistently provided more than token financial support for the child; and

(T) Whether the mental or emotional fitness of the parent would be detrimental to the child or prevent the parent from consistently and effectively providing safe and stable care and supervision of the child.

(2) When considering the factors set forth in subdivision (i)(1), the prompt and permanent placement of the child in a safe environment is presumed to be in the child's best interest.

(3) All factors considered by the court to be applicable to a particular case must be identified and supported by specific findings of fact in the court's written order.

(4) Expert testimony is not required to prove or disprove any factor by any party.

(5) As used in this subsection (i), “parent” includes guardian.