

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 6: Court</b>	<b>Effective Date: August 1, 2011</b>
	<b>Section 13: Voluntary Termination of Parental Rights (TPR)</b>	<b>Version: 3</b>

## POLICY

The Indiana Department of Child Services (DCS) will evaluate, on a case-by-case basis, whether it is in the best interest of the child to accept Voluntary Termination of Parental Rights (TPR) consents.

**[REVISED] Note:** Caution is urged in taking the consent for Voluntary TPR or Adoption from the mother of a newborn child too quickly. Consents must not be taken within the first 48 hours after birth. See Related Information for further details.

### Code References

IC 31-35-1: Voluntary Termination of Parent-Child Relationship by Parents

## PROCEDURE

The Family Case Manager (FCM) will:

1. Communicate with the parent to determine the basis of his/her request for Voluntary TPR;

**Note:** If the child is a newborn, discuss other options (e.g., adoption, guardianship, etc.) with the parent and discuss the consequences of Voluntary TPR.

2. Consult with his/her Supervisor, the Division Manager or DCS Local Office Director, and the DCS Local Office Attorney to determine if Voluntary TPR is in the best interest of the child;
3. Ensure that the DCS Local Office Attorney completes the appropriate paperwork for Voluntary TPR, including the Voluntary Relinquishment of Parental Rights (SF 12587/CW 1331A), court petition, family medical history, and adoption registry; and
4. Enter the hearing and decree date of the petition in Indiana Child Welfare Information System.
5. In the Eligibility Module in the Indiana Child Welfare Information System, update the reason for lack of parental support and care on the Deprivation screen to reflect that the parent's rights have been terminated.

The Supervisor and Division Manager or DCS Local Office Director will:

1. Discuss the specifics of the case with the FCM and arrive at a decision about the appropriateness of Voluntary TPR.

The Supervisor will:

1. Assist the FCM in preparing for the Voluntary TPR process; and
2. Ensure that the Indiana Child Welfare Information System is updated in a timely manner.

## PRACTICE GUIDANCE

[REVISED] In making the decision to accept a Voluntary TPR, DCS will consider whether the child could receive child support, SSI or other benefits from the parents whether or not the parent is physically present in the child's life. DCS should also consider using consent to adoption prior to considering a Voluntary TPR.

## FORMS AND TOOLS

Voluntary Relinquishment of Parental Rights (SF 12587/CW 1331A) - available in the Indiana Child Welfare Information System

## RELATED INFORMATION

### Legal Rights of the Parent(s)

The DCS Local Office Attorney and FCM will advise the parent of his/her legal and constitutional right and of the consequences of Voluntary Termination of Parental Rights.

### Discussing Options and Consequences with Parent(s) of a Newborn Child

Before taking written consent, DCS has a responsibility to discuss with the birth parent(s) other options available to them as well as the ramifications of voluntary TPR and adoptive placement.

### [REVISED] Consequences of Voluntary Termination of Parental Rights

Consent for Voluntary Termination of Parental Rights is permanent. It is irrevocable and cannot be set aside unless the consent was obtained under fraud or duress or the parent is incompetent. DCS is not permitted to make any promises of who will adopt the child. DCS should not discuss consent to adoption simultaneously with any post adoption contact agreements. For these reasons, seeking consent to adopt from the biological parent(s) may be preferable to seeking a voluntary termination of parental rights. Please consult with the DCS local office attorney.

Termination by the court means that all rights, powers, privileges, immunities, duties and obligations, including rights to custody, control, visitation or support relative to the relationship are permanently ended. Therefore, the consent of the parents is no longer required in order for the child to be adopted.

### Parental Support and Care

Lack of parental support and care, which is referred to as "deprivation", is one of the requirements for a child to be eligible for federal funding that covers some of the costs of substitute care and DCS's administrative expenditures. Termination of parental rights should be documented on the Deprivation screen in the Eligibility Module of the Indiana Child Welfare System as this establishes an ongoing reason for the child to be considered deprived of parental support and care. Every six (6) months when the Indiana Child Welfare Information System requires a redetermination of the child's income, resources and deprivation, the court order for TPR can serve as the verification for deprivation.