

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 6:</b> Court	<b>Effective Date:</b> December 1, 2012
	<b>Section 13:</b> Voluntary Termination of Parental Rights (TPR)	<b>Version:</b> 4

**POLICY [REVISED]**

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:** Consent must not be taken from a mother of a newborn 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**

**[REVISED]** The Family Case Manager (FCM) will:

1. Communicate with the parent to determine the basis of his or her request for Voluntary TPR;
2. Consult with the Supervisor, the Division Manager or DCS Local Office Director (LOD), and the DCS Local Office Attorney to determine if Voluntary TPR is in the best interest of the child;
3. Enter the hearing and decree date of the petition in the Management Gateway for Indiana's Kids (MaGIK);
4. Complete the [Indiana Adoption Medical History Registry \(SF 13342\)](#);
5. Update the reason for lack of parental support and care in MaGIK to reflect that the parent's rights have been terminated; and
6. Set up a final "goodbye visit" between the child and the parents. If the child is seeing a therapist, attempt to arrange the visit so the therapist can be present.

**[REVISED]** The Supervisor, Local Office Attorney, and LOD or Division Manager will 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 MaGIK System is updated in a timely manner.

**[REVISED]** The Division Manager or DCS LOD will sign the [Consents to Adoption \(SF12582\)](#) form after the TPR process has concluded.

**[REVISED]** The DCS Local Office Attorney will complete the appropriate paperwork for Voluntary TPR, including the [Voluntary Relinquishment of Parental Rights \(SF 12587/CW 1331A\)](#) and court petition.

## PRACTICE GUIDANCE

### **[NEW]** Voluntary TPR

A parent may voluntarily terminate their parental rights and sign adoption paperwork for a specific person to adopt prior to the TPR Hearing.

### **[NEW]** Adoption Consents

The [Consents to Adoption \(SF12582\)](#) form will be used for every prospective adoptive family approved to adopt a child in DCS care.

### **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 deemed 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.

## FORMS AND TOOLS

[Voluntary Relinquishment of Parental Rights \(SF 12587/CW 1331A\)](#)

## RELATED INFORMATION

### **[REVISED]** Legal Rights of the Parent(s)

In accordance with IC 31-35-1-8 et seq. the Court will advise parents of their legal and constitutional rights and of the consequences of Voluntary TPR.