

FIELD PRACTICE GUIDE: Termination of Parental Rights

GOAL: To effect practice and accomplish more timely permanency for children.

WHAT IS TPR: An involuntary court action that permanently ends the legal parent-child relationship. Termination frees the child for adoption.

WHEN TO TPR:

1. If the child has been placed out of the home for 14 or more of the immediately preceding 20 months.
2. The agency shall include the termination of parental rights to the child in the plan for the permanent placement of the child, unless:
 - a. The child is in the care of a relative;
 - b. The agency has failed to make reasonable efforts as ordered to return the child to the home safely; or
 - c. There are compelling reasons documented in the plan for the child that TPR is not in the child's best interest.

Relative Placements

- Data shows Nevada children in relative placements are slower to achieve permanency.
- Consider the family dynamics with the parents
- Consider alternative permanency options, such as:
 - Guardianship and KinGAP.

Has it been 14 out of 20 months in care?	Are there compelling reasons NOT to file TPR?
Have I documented my compelling reasons?	What is in the child's best interest?

When Are Compelling Reasons Appropriate:

1. When it is in the best interest of the child.
2. When it is based on each child's and each family's situation and circumstances.
3. When the compelling reasons are listed in the case plan.

NOTE: It maybe in the best interest of one child to find compelling reasons but not for a sibling

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SOME (but not all) Examples of Compelling Reasons:

1. The agency and court have determined the parent has made **significant** progress and continues to make diligent efforts to complete all requirements AND is in the child's best interest to continue reunification efforts.
2. The parent is terminally ill and has designated the child's present caretaker as the child's permanent caretaker.
3. There are no, or insufficient, legal grounds to terminate parental rights as determined by agency legal counsel.
4. The child is age 14 or older and even after counseling will not consent to adoption.
5. The child has severe emotional or behavioral challenges or a serious medical condition, and reunification remains an appropriate goal.
6. The child is unable to function in a family setting as documented and supported through professional assessments.
7. There are international legal obligations that would preclude terminating parental rights.
8. For an Indian child, the tribe has identified another permanency goal for the child.
9. The court determines the agency has not provided the child's family with the services the agency deems necessary for reunification when reasonable efforts were required.

WHAT IS NOT A COMPELLING REASON:

- ▶ When a parent just recently started services and is asking for more time
- ▶ When a parent has been incarcerated a good portion of the case (have to consider case specific factors – ask attorney)
- ▶ When an adoptive resource has not been identified