
LEGALLY FREEING A CHILD

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Legally Freeing a Child

Legally freeing a child is an action that allows a child to be adopted or allows for legal guardianship to occur. Legally freeing a child can happen in several ways: A parent can voluntarily relinquish his/her parental rights; the court can terminate parental rights; a parent can provide consent to adoption or guardianship; a judge can waive parental rights to consent to adoption or guardianship; or, a parent may be deceased. This tip sheet covers the process for recording that a child is legally free for adoption or guardianship.

Pointers to Remember:

1. Prior to legally freeing a child in FACES.NET, the **Recommendation** screen should be completed.
2. Both mother's and father's parental rights must meet the legally freeing requirements in FACES.NET in order to split a case for adoption. If a parent is an unknown individual, he/she must be entered in the FACES.NET client screens as such. That unknown parent's rights must be waived or terminated.
3. Legal action must be taken within 30 days of a child's permanency goal becoming adoption. "Legal action" would consist of the following activities: filing a Termination for Parental Rights (TPR), filing a petition for adoption or guardianship, signing a voluntary relinquishment, signing a consent, filing a motion, or if both parents are deceased.
4. The **Terminate/Ongoing** screen in FACES.NET will require that no more than one father and no more than one mother relationship be established to a child. In addition, both parents must be in the current case. Data clean-up may be required if the above is not true.

How to Check a Child's Permanency Goal

Steps include:

Step 1: Once the case is in focus, place mouse over **Case**, and then **Case Plan**.

Step 2: Click on **Permanency Plan**.



Figure 1

Step 3: Highlight the child whose permanency goal you are checking, and view the **Permanency Plan** section at the bottom of the screen. This section gives a summary of the child's current and past permanency goals. In this tip sheet, the goal of the child is to be adopted.

3a: Highlight the client's name.

3b: View the Permanency Plan window.

Permanency Plan Selection

* Denotes Required Fields ** Denotes Half-Mandatory Fields #Denotes AFCARS Fields

Name	Number	Gender	Date of Birth
FEMALE SCOTT26	845204	Female	
KEYSHAWN JACKSON26	845206	Male	
LAKEISHA JACKSON26	845203	Female	
LATONYA HOLMES26	845207	Female	
PAUL WILLIAMS26	845208	Male	
PERSHAWN JACKSON26	845209	Male	

☒ Active Clients
☐ All Clients

Permanency Plan

Creation Date	Permanency Plan	Actual Completion Date
01/18/2006	Adoption	

New Plan Show Cancel

Figure 2



Note:

- Legal action must be taken within 30 days of a child's permanency goal becoming adoption. "Legal action" would consist of the following activities: filing a petition to adopt, filing a TPR motion, signing a consent and signing a relinquishment. The latter three activities can all be accomplished on the **Terminate/Ongoing** screen. All activities will be discussed in greater detail in this tip sheet.

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Step 1: Place mouse over **Case**, **Court**, and then **Parental Rights**.

Step 2: Click on **List of Clients**.

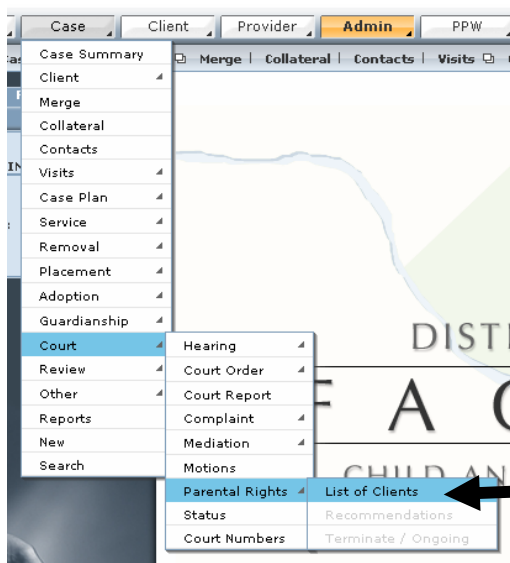


Figure 3

Step 3: Select the client from **Client Selection** list who will be legally freed for adoption or guardianship.

Step 4: Click **Show**.

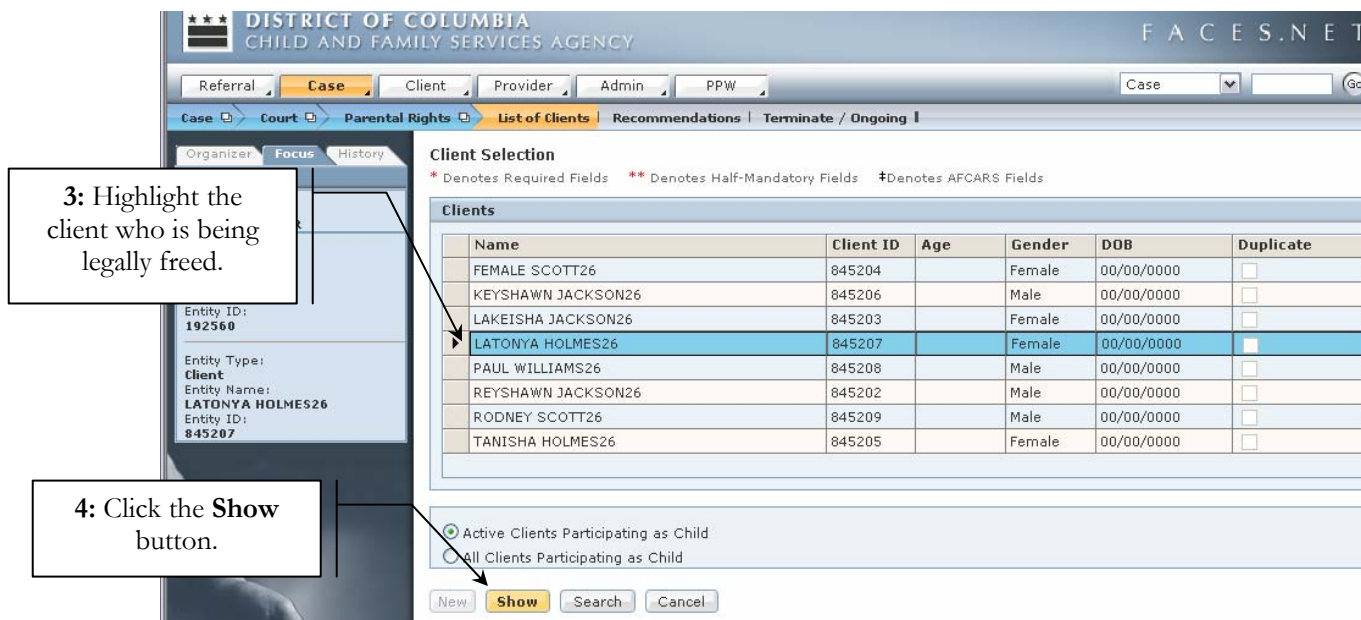


Figure 4

Step 5: Click **Recommendations**. Complete the three tabs on the screen (**Legal Sufficiency**, **Parties**, and **Action Steps**).

Step 6: Click **Save**.

5a: Click Recommendations

5b: Complete all three tabs.

6: Click Save

Figure 5

Step 7: Click **Terminate/Ongoing**.

7: Click Terminate/Ongoing.

Figure 6

Termination:

If a judge orders a Termination of Parental Rights, which is a legally binding court decision ending all parental rights of birth parents, this is recorded in the top section of the screen titled **Termination**.



Note:

- A Termination of Parental Rights is not the same as a judge waiving a parent's rights to consent to adoption or guardianship.

The following steps would be completed if a judge has ordered a Termination of Parental Rights.

Step 1: Choose the name of the parent whose rights will be terminated by selecting his/her name from the **Parent Name*** pick list.

Step 2: Assure that the **Termination** radio button is selected. This button is automatically selected by default once you enter the screen.

Step 3: Enter **Decision Date***.

Step 4: Click **Termination Granted**** button.

Step 5: Complete other fields in the **Termination** section as necessary (i.e.: Was the termination appealed? If so, complete the **Termination Appealed** information. Etc...).

Step 6: Click **Save**.

Step 7: To enter the legal action for the second parent of the same child, click **New**.

1: Select Parent Name*.

2: Click Termination.

3: Enter the Decision Date*.

4: Click Termination Granted**

5: Complete fields as necessary.

6: Click Save.

7: Click New to create a new record for the second parent.

Figure 7



Note:

- The **Relationship** will automatically populate based on information entered in the **Relationship** screen for the parent selected.
- The **Terminate/Ongoing** screen in FACES.NET will require that no more than one father and no more than one mother relationship be established to a child. In addition, both parents must be in the current case. Data clean-up may be required if the above is not true.
- Once the record is saved that a termination was granted, it is locked down preventing future edits; therefore, be certain that the information entered is correct and complete prior to clicking **Save**.
- A parent can only be terminated one time for a particular child. Once the record has been saved under the **Termination** section, that parent's name will no longer appear in the **Parent Name*** pick list.
- Once the parental rights of both parents have met the legally freeing requirements on this screen, then the family case can be split for adoption or guardianship.

- If the termination of parental rights was not granted by the judge, then select the **Termination not Granted**** radio button and **Explain why [the] Termination [was] not Granted** before clicking **Save**. See Figure 8.

The screenshot shows a web form titled "Termination/Ongoing". The "Termination" section is active, with the "Termination not Granted **" radio button selected. A text box labeled "Explain why Termination not Granted*" contains the text "Because Shante Jackson is doing much better." Below this, there are several date and decision fields. The "Ongoing" section is also visible, with fields for "Date Of Occurrence", "Type of Occurrence", "Agreement Sign Date", and "Details". At the bottom, there are buttons for "New", "Save", "Split Case", and "Cancel".

Figure 8

Ongoing:

The bottom section of the **Terminate/Ongoing** screen titled **Ongoing** records all other legal actions. If no termination occurred, then record the type of occurrence in this section of the screen.

The following steps would be completed for any of the following occurrences: Abandonment, Consent, Deceased [parent], Judge Waved Rights, or Voluntary Relinquishment.

Step 1: Choose the name of the parent whose rights will be terminated by selecting his/her name from the **Parent Name*** pick list.

Step 2: Click the **Ongoing** radio button.

Step 3: Enter the **Date of Occurrence***.

Step 4: Select the **Type of Occurrence*** from pick list.

Step 5: Enter the **Agreement Sign Date** if known.

Step 6: Enter any additional **Details** about the Occurrence that should be noted.

Step 7: Click **Save**.

Step 8: To enter the legal action for the second parent of the same child, click **New**.

The screenshot shows a web application interface for 'Termination Of Parental Rights Determination'. The interface includes a top navigation bar with tabs for 'Referral', 'Case', 'Client', 'Provider', 'Admin', and 'PPW'. Below this is a sub-navigation bar with 'Case', 'Court', 'Parental Rights', 'List of Clients', 'Recommendations', and 'Terminate / Ongoing'. The main content area is divided into sections for 'Termination Recommendation for' and 'Ongoing'. The 'Termination Recommendation for' section contains a table with columns: Date, Parent Type, Name, Relationship, Terminated, Date of Occurrence, and Status. The 'Ongoing' section contains fields for Date of Occurrence, Agreement Sign Date, and a Details text area. The 'New' button is located at the bottom left of the form.

1: Select Parent Name*.

2: Click Ongoing.

3: Enter the Date of Occurrence*.

4: Select Type of Occurrence*.

5: Enter Agreement Sign Date.

6: Enter additional Details.

7: Click Save.

8: Click New to create a new record for second parent.

Figure 9



Note:

- The **Relationship** will automatically populate based on information entered in the **Relationship** screen for the parent selected.

- The **Terminate/Ongoing** screen in FACES.NET will require that no more than one father and no more than one mother relationship be established to a child. In addition, both parents must be in the current case. Data clean-up may be required if the above is not true.
- Once the record is saved from the **Ongoing** section of the screen, it is locked down for future edits; therefore, be certain that the information being entered is correct and complete prior to clicking **Save**.
- Once the parental rights of both parents are entered on this screen, then the family case can be split for adoption.
- ASFA requires that a termination of parental rights (TPR) be filed if the child has been abandoned.

Best Practice Reports Reference Guide

Data input for the above tip sheet may affect statistics recorded for **Best Practice # VII.1.b – ADP012MS—Timeliness of Legal Action Initiated to Free Children with Goal of Adoption.**

ADP012MS captures the following information:

- Legal Activity includes TPR Filed, Petition Filed, Voluntary Relinquishment, Consent, Motion, Deceased (both parents).

Data input for the above tip sheet may affect statistics recorded for **Best Practice # XIX – COR007MS—Goal of Adoption for More Than 30 Days – No Legal Activity Initiated to Free the Child for Adoption – Corrective.**

COR007MS captures the following information:

- This report shows all children with Goal of Adoption for more than 30 days for whom there is no Petition Filed, Adoption Finalized, Consent, Judge Waived Rights, Order of Reference, Parent Deceased, TPR Filed, TPR Granted or Voluntary Relinquishment

Filename: Court - Legally Freeing a Child
Directory: C:\Documents and Settings\Dstewart\My Documents\Internet
Updates\FACES.NET\Tips Sheets\Court
Template: C:\Documents and Settings\Dstewart\Application
Data\Microsoft\Templates\Normal.dot
Title: FACE TO FACE VISITS TO CHILDREN IN HOME
Subject:
Author: FACES
Keywords:
Comments:
Creation Date: 10/11/2007 10:46:00 AM
Change Number: 2
Last Saved On: 10/11/2007 10:46:00 AM
Last Saved By: cljohnson
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As of Last Complete Printing
Number of Pages: 9
Number of Words: 1,204 (approx.)
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