

## 22.7 Checklist: Involuntary Termination of Parental Rights (TPR)

### TERMINATION OF PARENTAL RIGHTS HEARING CHECKLIST

- Preliminary matters
  - Appearances
  - Service of motion
  - Notice of hearing
  - Appointment of counsel
  - Language or cognitive challenges
- Inquiries regarding
  - Absent parents\*
  - Tribal affiliation
  - Concurrent planning
- Advisement of rights, if first hearing for parent(s)
- Stipulations, if any
- Evidence on contested allegations
  - Rules of Evidence apply
  - Burden of proof: usually clear and convincing
  - Burden of proof: if Indian child, beyond reasonable doubt
- Findings on alleged grounds for termination
  - Abandonment
  - Conditions and causes unlikely to change
  - Foster care bonding/presumptive abandonment
- If Indian child,
  - Notice to tribe and Indian custodian
  - Beyond reasonable doubt, expert testimony
  - Findings that ICWA requirements were met
- If TPR ordered,
  - Custodian
  - Child support
- Scheduling of judicial review w/in 6 months

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\*To free a child up for adoption, all parents with a constitutionally protected interest must have relinquished parental rights or had their rights terminated.

