

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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POLICY GUIDE 93.6

TIMELY FILING OF PETITIONS TO TERMINATE PARENTAL RIGHTS

DATE: August 1, 1993
TO: Rule and Procedures Bookholders, Child Welfare Staff
FROM: Sterling M. Ryder *smr*

I. PURPOSE

In each case where it is necessary to free a child for purposes of adoption, the Department of Children and Family Services and private agencies which contract with DCFS will *take all steps within their control* to permit a petition to terminate parental rights to be filed within 75 days of the date on which adoption becomes the permanency goal for a child.

The Department established a reform panel to review the Department's permanency goals. The Permanency Goal Reform Panel is continuing its deliberations and is expected to make recommendations to the Department shortly. This Policy Guide provides interim instructions (pending receipt of final recommendations by the Permanency Goal Reform Panel or any subsequent revision to the current permanency goals set forth in Rules 305, Client Service Planning) on how to take steps to permit the timely filing of petitions for termination of parental rights.

II. PRIMARY USERS

The primary users of this Policy Guide are child welfare workers and adoption staff.

III. START OF THE 75-DAY CLOCK

The Department and private agencies contracting with the Department will *take all steps within their control* to permit the timely filing of petitions for



termination of parental rights within 75 days of the date it is determined that adoption is an appropriate goal. The 75-day clock will begin at the *earlier* of the following dates:

1. *The date a supervisor approves the change of a child's permanency goal to substitute care pending court action (08), even if the goal has not yet been changed;*
2. *The date the administrative case reviewer recommends the change of a child's permanency goal to substitute care pending court action (08), even if the goal has not yet been changed;*
3. *The date a judge enters a court order which requires the change of a child's permanency goal to adoption (unless stayed by a subsequent court order);*
4. *The date the Initial Legal Screening Committee, as defined below, recommends proceeding with adoption.*

NOTE: In the event a service appeal under Rules 337, Service Appeal Process, results in a stay, the 75-day period will also be stayed pending completion of the appeal.

A work group is now developing streamlined mechanisms and consistent protocols on a statewide basis for the preparation of petitions to terminate parental rights for submission to the local offices of the State's Attorney within the 75-day period. These materials will be released as soon as they are finalized.

IV. INITIAL LEGAL SCREENING

As soon as adoption is considered appropriate for a child, there shall be an initial legal screening, even if the permanency goal has not been changed. At the initial legal screening, three determinations will be made:

1. whether there is sufficient evidence to support a finding that there are grounds for termination of parental rights;
2. whether it is in the best interests of the child to seek termination of parental rights; and
3. identification of the steps which need to be completed to permit the filing of a petition to terminate parental rights. (See IV (B) below.)

The Initial Legal Screening Committee shall consist of the child's caseworker, the regional adoption coordinator, and a representative of the Office of Legal Services (OLS). In downstate regions, the OLS representative will be the regional counsel. In Cook County, the OLS representative will be one of the adoption unit attorneys. In the event there is no downstate regional counsel to participate in the initial legal screening,

please contact Assistant Chief Counsel, Gregory Seifert, at (217) 785-2558 for assignment of a substitute attorney on a case-by-case basis.

A. INSUFFICIENT GROUNDS FOR TERMINATION

If there are insufficient legal grounds for termination of parental rights, or if adoption is not in the best interests of the child, then the 75-day period will cease to run.

B. PROCEED TO TERMINATION

If adoption is determined to be in the best interests of the child and there are sufficient legal grounds for termination, the case is to proceed to termination of parental rights. All steps established by the initial legal screening committee must be completed within the 75-day period. These steps include, but are not limited to:

- * Identification of and service of summons and Petition For The Adjudication of Wardship on all interested parties, including all putative fathers not previously served.
- * Preparation of Petition to Terminate Parental Rights in all counties in which the Department, rather than the local office of the State's Attorney, prepares the petitions.
- * In downstate regions, forwarding of Petitions to Terminate Parental Rights to the local office of the State's Attorney.
- * In Cook County, completion of the paperwork and referral to the State's Attorney Screening Committee which is comprised of representatives from the Cook County Office of the State's Attorney, the Public Guardian and the Department.
- * Completion of all tasks assigned to the caseworker or adoption staff by the initial legal screening committee i.e. identifying an appropriate adoptive placement, contacting parents to explain the surrender process, obtaining genetic health history, etc.

Training will be provided for staff involved in this initial legal screening process.

V. FILING INSTRUCTIONS

File this Policy Guide immediately after page 10 of yellow page Procedures 305, Client Service Planning.