	Agency Name	Office of Community Services (OCS)
	Chapter No./Name	6. Foster Care
	Part No./Name	14 Voluntary Surrender and Other Consent to Terminate Parental Rights
	Section No./Name	Voluntary Surrender and Other Consent to Terminate Parental Rights
	Document No./Name	6-1415 Execution of the Surrender
	Effective Date	February 1, 2015

I. STATEMENT OF POLICY

* It is the policy of the Department of Children and Family Services to execute a surrender of parental rights to children in foster care when appropriate. **

II. PROCEDURES


* A. WITNESSES **

The Foster Care **case manager** is responsible for arranging for an attorney who is a notary and two witnesses to be present for the completion of the surrender (**DCFS** Form **445** or **445-A**). **The** parent, the attorney, **or the case manager** whose names will appear elsewhere on the surrender are allowed to act as witnesses.

* B. FORMS REQUIRED FOR THE SURRENDER **

The **case manager** shall prepare a surrender packet for each parent surrendering **their** parental rights, according to the detailed instructions included with each form. The surrender packet includes the following forms and documents:

- OCS Form **444**, Affidavit of **Pre-Surrender** Counseling for Surrendering Parent(s), or **DCFS** Form **444A**, Affidavit of Waiver of **Pre-Surrender** Counseling **for** Surrendering Father of Majority Age
- The appropriate Voluntary Act of Surrender form for the parent (**DCFS** Form **445** for the mother, **DCFS** Form **445-A** for the father);
- **DCFS** Form **445-RS**, Receipt of Surrender;
- **DCFS** Form **446-A**, Notice to Attorneys Who Are Notaries Public Executing Surrenders for Adoption;
- **DCFS** Form **446-B**, Power of Attorney, when the surrender is being executed outside the state of Louisiana;
- **DCFS** Form **445-SFC**, Statement of Future Contact; **
- **DCFS** Form **445-RPS**, Religious Preference Statement;
- **DCFS** Form **448**, Statement of Family History - Medical/Genetic History of Biological Families

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- * DCFS ** Form [448-A](#), Affidavit Attesting to Statement of Family History *** ;
- The child's official birth certificate or a true copy, when available, to verify correct spelling on the surrender form and identity of the child's * parent's; **
- * DCFS ** Form [447-J](#), * Voluntary Adoption Registry Counseling Verification, ** in the case of a provisional agreement involving future contact.

* C. EXECUTING A SURRENDER WHEN THE PARENT IS OUT OF STATE

When a parent of a child in DCFS custody lives in another state, the Foster Care case manager requests the public child welfare agency in the other state to facilitate the execution of the surrender from the parent of a Louisiana foster child. Refer to 6-1410, Mandatory Pre-Surrender Counseling Requirement, for additional guidance on facilitating pre-surrender counseling for parents located out-of-state. Any clinician used for the pre-surrender counseling must be licensed within the state or country within which the clinician and parent are located at the time of the counseling sessions. If the public child welfare agency will not facilitate the surrender, a private adoption agency licensed by the other state is contacted to accept the surrender. Payment of reasonable and customary charges may be made to out-of-state providers for accepting the surrender when this is necessary. The payment request and provider information is sent to the supervisor for payment using TIPS code 800 870 for miscellaneous legal fee/expense.


The case manager is responsible for sending a surrender packet with all applicable forms and instructions to the out-of-state agency to be used in accepting the surrender, including a copy of Louisiana state law on surrender. The DCFS Form 446-B, Power of Attorney, shall be completed and sent to the agency facilitating the surrender empowering them to accept the surrender on behalf of the Department.

If the Department is unsuccessful in locating a provider to accept the surrender for an out-of-state parent, the case manager may consider making travel arrangements through ICPC to transport the parent to Louisiana to execute the surrender. **

* D. FILING THE SURRENDER WITH THE COURT

The FC case manager is responsible for filing the surrender or coordinating with the BGC Attorney to file the surrender with the court of jurisdiction within three days after execution of the surrender. The packet to be filed includes the following documents:

- An original signed, notarized, surrender form, DCFS Form 445, Voluntary Act of Surrender for Adoption for a Surrendering Mother of a Child, or DCFS Form 445-A, Voluntary Act of Surrender for Adoption for a Surrendering Father of a Child;

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- The notarized DCFS Form 444, Affidavit of Pre-Surrender Counseling for Surrendering Parent(s) OR notarized DCFS Form 444-A, Affidavit of Waiver of Pre-Surrender Counseling by a Surrendering Father of Majority Age;
- DCFS Form 446-B, Power of Attorney, when the surrender is being executed outside the state of Louisiana; and,
- Notarized DCFS Form 448, Statement of Family History – Medical/Genetic History of Biological Families. **

* E. POST-SURRENDER SERVICES

- Continued Visitation

Children's Code Article 1037.1 permits the court to order continuing contact between the child and parent, sibling, or other relatives pending adoption only after making a finding of fact that it is in the best interest of the child. It is the responsibility of the FC case manager and supervisor to assure the Department's recommendation regarding continuing contact and the basis for the recommendation is presented to the court.


Any recommendation for post-termination or post-surrender contact with parents, siblings, or other relatives pertains only to the period of time pending the adoption finalization. In those situations in which ongoing contact is considered important to the child's future well-being and successful adoptive placement, a home which agrees to ongoing contact will be sought; however, the Department has no authority to require prospective adoptive parents enter into a Continuing Contact Agreement. The FC case manager shall assess if continued contact with parents, siblings, or other relatives with whom the child has an established and significant relationship is in the child's best interest, and, if so, the continued contact should be addressed in the child's case plan.

- Louisiana Adoption Voluntary Registry

The parents shall be notified of the Louisiana Adoption Voluntary Registry administered by the Department to facilitate voluntary contact between anyone adopted in Louisiana and his/her birth family. The VR-11, Louisiana Adoption Voluntary Registry flyer shall be provided to any parent who surrenders their parental rights to a child. Documentation of this discussion is added to case notes.

- Concrete Services

The FC case manager shall inform parents of the availability of concrete services in their local area to assist with meeting any identified needs. **

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III. FORMS AND INSTRUCTIONS

* DCFS CW Form [444](#), Affidavit of Pre-Surrender Counseling for Surrendering Parent
DCFS CW Form [444A](#), Affidavit of Waiver of Pre-Surrender Counseling by Surrendering Father of Majority Age
DCFS CW Form [445](#), Voluntary Act of Surrender for Adoption for a Surrendering Mother of a Child
DCFS CW Form [445-A](#), Voluntary Act of Surrender for Adoption for a Surrendering Father of a Child
DCFS CW Form [445-RPS](#), Religious Preference Statement
DCFS CW Form [445-RS](#), Receipt of Surrender
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DCFS CW Form [447-J](#), Voluntary Adoption Registry Counseling Verification
DCFS CW Form [448](#), Statement of Family History – Medical/Genetic History of Biological Families
DCFS CW Form [448-A](#), Affidavit Attesting to Statement of Family History
DCFS CW Form [VR-11](#), Louisiana Adoption Voluntary Registry **

IV. REFERENCES

* DCFS CW Policy [6-1410, Mandatory Pre-Surrender Counseling Requirement](#) **