 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	6 – Foster Care (FC)
	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	November 1, 2017

I. STATEMENT OF POLICY

*** * It is the policy of the Department of Children and Family Services to accept a surrender of parental rights for children when appropriate pursuant to Louisiana Children's Code Article 1117(B). Appropriate circumstances may include but are not limited to:

- a. A child in foster care when one or more parent is unwilling to work with the department or other service providers to develop and demonstrate the capacity to safely care for the child and indicates a decision to forego their parental responsibility to the child for the purpose of supporting other permanent planning for the child.
- b. A child in foster care who becomes a parent and does not wish to take on the role of a parent or work with a private adoption agency. It would be important to verify neither the other parent, nor either set of grandparents want to take on the care of the infant.
- c. Other parent(s) unwilling to retain the role of parent and unwilling to work with private adoption agencies. **

II. PROCEDURES


A. WITNESSES

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

B. FORMS REQUIRED FOR THE SURRENDER

The case * worker ** 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:

- Form [444](#), Affidavit of Pre-Surrender Counseling for Surrendering Parent(s), or 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 (Form [445](#) for the mother, Form [445-A](#) for the father);
- Form [445-RS](#), Receipt of Surrender;


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- Form [446-A](#), Notice to Attorneys Who Are Notaries Public Executing Surrenders for Adoption;
- Form [446-B](#), Power of Attorney, when the surrender is being executed outside the state of Louisiana;
- Form [445-SFC](#), Statement of Future Contact;
- Form [445-RPS](#), Religious Preference Statement;
- Form [448](#), Statement of Family History - Medical/Genetic History of Biological Families
- 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;
- 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 *** worker **** 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 *** worker **** 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 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.

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If the Department is unsuccessful in locating a provider to accept the surrender for an out-of-state parent, the case * worker ** 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 * worker ** is responsible for filing the surrender * documents ** or coordinating with the BGC Attorney to file the surrender * documents ** 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, Form 445, Voluntary Act of Surrender for Adoption for a Surrendering Mother of a Child, or Form 445-A, Voluntary Act of Surrender for Adoption for a Surrendering Father of a Child;
- The notarized Form 444, Affidavit of Pre-Surrender Counseling for Surrendering Parent(s) OR notarized Form 444-A, Affidavit of Waiver of Pre-Surrender Counseling by a Surrendering Father of Majority Age;
- Form 446-B, Power of Attorney, when the surrender is being executed outside the state of Louisiana; and,
- Notarized 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 * worker ** 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 * worker ** shall assess if continued contact with parents, siblings, or other relatives with

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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 * worker shall inform parents of the availability of concrete services, such as counseling agencies which offer sliding fee scales, grief support groups, legal aid services, etc. which may exist ** in their local area to assist with meeting any identified needs.

III. FORMS AND INSTRUCTIONS

CW Form [444](#), Affidavit of Pre-Surrender Counseling for Surrendering Parent
 CW Form [444A](#), Affidavit of Waiver of Pre-Surrender Counseling by Surrendering Father of Majority Age
 CW Form [445](#), Voluntary Act of Surrender for Adoption for a Surrendering Mother of a Child
 CW Form [445-A](#), Voluntary Act of Surrender for Adoption for a Surrendering Father of a Child
 CW Form [445-RPS](#), Religious Preference Statement
 CW Form [445-RS](#), Receipt of Surrender
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 CW Form [446-B](#), Power of Attorney
 CW Form [447-J](#), Voluntary Adoption Registry Counseling Verification
 CW Form [448](#), Statement of Family History – Medical/Genetic History of Biological Families
 CW Form [448-A](#), Affidavit Attesting to Statement of Family History
 CW Form [VR-11](#), Louisiana Adoption Voluntary Registry

IV. REFERENCES

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