	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	6-1410 Voluntary Surrender of a Child in DCFS Custody
	Effective Date	July 15, 2025

I. STATEMENT OF POLICY

To assure a parent considering surrendering parental rights has the opportunity to talk to someone not directly involved with the child's custody, the law requires each parent submit to a minimum of two counseling sessions regarding the surrender prior to the execution of the surrender. Only a father of majority age has the right to waive his right to counseling. An affidavit must be completed testifying to the parent's receipt of counseling or majority father's decision to waive. To help protect the parent who may not be able to fully understand the nature and consequences of a surrender, the affidavit requires for the counselor's opinion regarding the parent's mental capacity to execute a surrender and for recommendation of any further evaluation which may be indicated to resolve the issue of capacity.

II. PROCEDURES


A. ARRANGING FOR COUNSELING

The FC case worker proceeds with arranging the pre-surrender counseling sessions for the parent once the Child Welfare Manager * approves acceptance of a surrender. Staff may ** utilize a provider through the *** * Managed Care Organizations (MCOs) ** to conduct pre-surrender counseling with a parent. Providers who are a Licensed Clinical Social Worker (LCSW), Licensed Marriage and Family Therapist (LMFT), or a Licensed Professional Counselor (LPC) are the only providers able to conduct pre-surrender counseling. The case worker may contact the provider directly to make the referral, as pre-surrender counseling is not a Medicaid service. ***

* If the case worker is unsuccessful in locating a provider who meets the criteria to conduct pre-surrender counseling, the Child Welfare Manager should contact dcfs.fostercare@la.gov for further assistance. DCFS staff who are a licensed social worker, licensed psychologist, medical psychologist, licensed psychiatrist, or a licensed counselor can volunteer to conduct pre-surrender counseling sessions as long as they are not directly involved with that case. Interested staff will complete the pre-surrender counseling training located in Moodle and fill out the volunteer surrender counseling form, and send to dcfs.fostercare@la.gov. A database of eligible volunteers will be maintained by State Office Foster Care section. **

The case worker shall arrange for the person providing pre-surrender counseling to complete the [444](#), Affidavit of Pre-Surrender Counseling for Surrendering Parents. If the parent is a father of majority age who has waived counseling, the provider shall complete [Form 444-A](#), Affidavit of Waiver of Pre-Surrendering Counseling by Surrendering Father of Majority Age.

The FC case worker coordinates the dates and times of the two pre-surrender counseling sessions with the provider and the parent. Documentation of the dates and times of the


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sessions shall be included in case notes *** by the case worker.** The second pre-surrender counseling session and the surrender shall take place on separate days, if possible. The two counseling sessions must be held prior to the parent’s surrender. The case worker shall not proceed with arrangements for accepting a surrender if the mother or the minor father refuses to participate in the required counseling sessions. If the surrender **is requested by a parent that resides in** another state, the counseling shall be done by a licensed social worker or by a social worker employed by a child placement agency licensed by the other state. The Department may pay for two out of state counseling sessions up to the amount of \$85.00 for each session. The out of state **licensed** counselor or agency must be set up as a vendor in TIPS. The TIPS codes are 400/480. Procedures on establishing a vendor as a provider may be found in TIPS Manual Policy, Chapter 20.

B. CONTENT OF PRE-SURRENDER COUNSELING

The pre-surrender counseling shall cover the following:


- The parents shall be advised that they may seek independent legal counsel if they so desire.
- The DCFS staff person shall review each item on the appropriate surrender form (Form 445, Voluntary Act of Surrender for Adoption for a Surrendering Mother of a Child or 445-A, Voluntary Act of Surrender for Adoption for a Surrendering Father of a Child) with the parent and assure the parent understands the nature and significance of the act of surrendering his child.
- The parent shall be informed that the surrender will terminate the parent's rights and responsibilities in relation to the surrendered child and will transfer them to the Department. The child retains the right to inherit property from the biological parent; however, the parents' rights to property of the child are forfeited.
- The counselor shall tell the parent they can surrender a child in DCFS custody only to the Department or, with the court's permission and Department approval, to the foster caregiver with whom the child has been placed.
- The **licensed **** counselor shall advise the parent the surrender will be final and irrevocable as soon as it is executed. It makes the Department legally responsible for selecting the most appropriate permanent care setting for the child. Any previous care setting agreements or understandings between the Department and the parent are considered preferences which are not legally binding.

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- The mother of the child shall be advised of her right to be notified of any opposition to the adoption taken by the father. The surrendering mother indicates on [Form 445](#) if she desires notification.
- The parent shall be advised that once the parent surrenders he will not be notified when the child's adoption hearing occurs. He does not have the right to any information as to the adoptive family or the care setting. He does have the right to know whether or not the child was adopted, should he inquire.
- The counselor shall advise the parent that an adoptive parent's failure to comply with any formal or informal agreement for post-adoption continuing contact will not nullify the surrender nor constitute cause for revocation.
- The parent shall be informed that if, after a reasonable time, the child has not been placed in a permanent care setting, the Department may consider replacement with the parent if the parent wishes to resume parental responsibility, is believed to be capable of parenting the child, and the parent is willing for the Department to petition the court to dissolve the surrender.
- The parent shall be informed of the Louisiana Voluntary Registry and given information as to how to contact the registry when the child is 18 years of age. [Form 447](#), Notification of Voluntary Registration Act to Biological Parent, may be used to provide this information.
- * The parent shall be informed that Louisiana allows an adopted child to obtain a copy of their original birth certificate from the Office of Vital Statistics at age 24.
- When the surrendering parent is the mother, the counselor shall emphasize the importance of her complete honesty in providing information regarding the identity of the father or potential fathers of her child, her marital status, and her domicile. The counselor shall advise the mother that any misrepresentation can jeopardize the adoption and expose her to prosecution for false swearing. The mother should be informed the penalties imposed for false swearing are severe. A mother found guilty of willfully misidentifying the father or falsely claiming a lack of knowledge of the identity of the child's father can be fined \$10,000 or imprisonment for 5 years, or both.

C. PAYMENT OF PRE-SURRENDER COUNSELING

Upon completion of the surrender counseling, the provider submits the invoice for payment to the case worker. The payment for each session will be **65.00 ****. The authorization for service should be entered into TIPS using major/minor code SP 600 631.

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III. FORMS AND INSTRUCTIONS

[Form 444 / Instructions](#) Affidavit of Pre-Surrender Counseling for Surrendering Parents

[Form 444-A / Instructions](#) Affidavit of Waiver of Pre-Surrendering Counseling by Surrendering Father of Majority Age

[Form 445 / Instructions](#) Voluntary Act of Surrender for Adoption for a Surrendering Mother of a Child

[Form 445-A / Instructions](#) Voluntary Act of Surrender for Adoption for a Surrendering Father of a Child

[Form 447 / Instructions](#) Notification of Voluntary Registration Act to Biological Parent

IV. REFERENCES

* LA Children's Code Article 1120 **