

In the Interest of:

CONSENT TO TPR/CONVERTING
INVOLUNTARY TO VOLUNTARY

Name

Date of Birth

Case No. _____ -TP- _____

A Child Under the Age of 18 Years

I, _____ (insert name), am the:

 mother of the above-named child. father of the above-named child.

My current address is: _____

NOTE: If a blank appears in the left margin, initial it if you understand the statement and agree that the statement is true.

- ____ 1. I am ____ years old. I completed ____ years of schooling.
- ____ 2. I am the legal parent of the above-named child.
- ____ 3. I can cannot read, write and understand the English language.
- ____ 4. I have read the petition in this case and understand the nature of the acts alleged and potential dispositions. _____ I have also reviewed the petition with my attorney (if represented)
- ____ 5. I have have not received treatment in the past for mental or emotional problems. Explain affirmative answer: _____
- ____ 6. I have have not consumed any alcohol or other intoxicants within the last 24 hours.
- ____ 7. I have have not taken any medications or drugs within the last 24 hours. Explain affirmative answer: _____
- ____ 8. No threats or promises have been made to me to influence my decision to give up my rights to oppose the involuntary termination of parental rights petition and consent to the termination of my parental rights.
- ____ 9. I understand that no one can force me to consent to the termination of my parental rights as I have an absolute right to have a trial in this matter and have a jury or judge decide whether the petitioner did or did not prove one or more grounds (legal reason) to involuntarily terminate my parental rights. I am voluntarily surrendering the right to a trial in the grounds phase.

- ____ 10. I further understand that if I continued to oppose the petition for involuntary termination and grounds were found (resulting in a finding of parental unfitness), I would have the right to a contested dispositional hearing at which I could oppose termination of parental rights. I am voluntarily surrendering my right to a contested dispositional hearing and consenting to the termination of my parental rights.
- ____ 11. I UNDERSTAND THAT BY NO LONGER OPPOSING THE INVOLUNTARY TERMINATION OF MY PARENTAL RIGHTS AND CONSENTING TO TPR, I AM WAIVING, OR GIVING UP, THE FOLLOWING STATUTORY AND CONSTITUTIONAL RIGHTS THAT I WOULD HAVE IN THE GROUNDS PHASE.:
- ____ a. To remain silent, although my silence may be relevant to these proceedings.
 - ____ b. To confront and cross-examine any witnesses who appear in the case.
 - ____ c. To a jury trial in the grounds phase of this case.
 - ____ d. To present evidence on my own behalf and to require witnesses to come to court and testify for me even if they do not want to come to court.
 - ____ e. To require the State to prove each part/element of the statute contained within the petition to establish grounds.
 - ____ f. To require the state to prove in the grounds phase of this case the allegations of the petition by evidence which is clear, satisfactory and convincing and that 10 of the 12 jury members (or more) must agree on the verdict before it will be accepted by the court.
 - ____ g. I further understand that if I continued to oppose the termination of my parental rights and grounds were found to involuntarily terminate my parental rights (resulting in a finding of parental unfitness), I would have the right to a contested dispositional hearing at which the judge would decide whether it was or was not in the best interests of my child to terminate my parental rights. By consenting to the termination of my parental rights, I am giving up my right to that contested dispositional hearing.
- ____ 15. I hereby waive my right to a substitution of judge.
- ____ 16. I believe I fully understand what termination of parental rights means.

_____ 17. I understand that by consenting to the termination of my parental rights I am forever surrendering the following rights:

Guardianship---the right to make decisions regarding my child's education, health care and other critical decisions parents make for their children

Custody---the right to have my child live with me and provide for their daily needs--- food, clothing, shelter.

Visitation and communication---I will have no right to visit with, communicate with or force others to communicate with me about how my child is doing in the future.

Because my child will no longer be a part of my family (unless adopted by a family member), members of my family also will not have a legally enforceable right to visit with or communicate with him/her/them.

Economic/financial---I will not have a duty to pay future support; I will not inherit from him/her/them and they will not inherit from me unless I specifically provide for them in a will or trust.

I understand an order terminating my parental rights ends all rights, powers, privileges, immunities, duties and obligations between myself and my child.

I wish to surrender all of those rights by consenting to the termination of my parental rights.

_____ 18. I understand that if I consent and the court accepts my consent, I would still have the right to appeal by filing an appeal within 30 days of the order terminating my parental rights. However, I understand this is a final decision and I do not have 30 days to change my mind. If I appeal, I will have to establish that a significant legal error occurred which should invalidate my consent and allow me to contest the original involuntary termination of parental rights petition.

_____ 19. I have had sufficient time to think about the decision and to talk with individuals I felt I should talk to in making this decision.

It is my decision to consent to the termination of my parental rights.

20. (Optional) I believe it is in the best interest of my child to consent to the termination of my parental rights because: _____

21. Select One:

a. I have an attorney.

_____ i. I have discussed this case and all matters mentioned in this questionnaire with my attorney.

_____ ii. He/she has answered my questions and provided me with the information I need to make this decision.

- _____ iii. I am satisfied with the representation I have received from my attorney.
- I am not satisfied with my attorney (Explain):

- b. I do not have an attorney.
- _____ i. I hereby waive my right to an attorney for this hearing.
- _____ ii. As a parent in this case, I am aware that I am entitled to be represented by an attorney.
- _____ iii. I understand that an attorney may discover defenses or mitigating circumstances which may not be known to me.

PARENT'S ACKNOWLEDGEMENT

I have read, or have had read to me, this entire questionnaire, and I understand its contents. Upon completing each item, I am indicating that I understand it. I enter this admission or no contest plea freely, voluntarily, and without any threats being made against me.

Parent Signature

Date

ATTORNEY'S ACKNOWLEDGEMENT

I, _____, hereby state that I am the attorney for the above-named parent in this action; that I have personally read, discussed and explained the contents of this questionnaire to my client; that I have observed my client sign and date this questionnaire; and that I believe that my client understands each item in this questionnaire, the nature of the allegations which form the basis for the petition, the legal consequences of his/her admission/no contest plea and enters the admission/no contest plea freely and voluntarily.

Attorney Signature

Date