

# Termination of Parental Rights

A handbook for parents

Written and published by

**Legal Services of New Jersey**



# The New Jersey Legal Services Programs

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# Table of Contents

<b>Introduction.....</b>	<b>8</b>
Important notes about using this handbook .....	8
Legal Services Family Stability and Preservation Project.....	9
<b>Acknowledgments .....</b>	<b>10</b>
<b>What Does Termination of Parental Rights Mean? .....</b>	<b>11</b>
This case is not a criminal case .....	11
A note about child support .....	11
<b>Five Important Things Parents Need to Know About Termination of Parental Rights.....</b>	<b>12</b>
1. You need to get a lawyer to represent you as soon as possible. If you cannot afford to hire a lawyer, you can apply for a free lawyer. ....	12
2. You have the right to ask for services from Division of Child Protection and Permanency (DCPP) to help you get your child back. ....	13
3. You must attend all scheduled parenting time visits with your child, and you have a right to request more frequent visits. ....	14
4. You should attend all court dates, evaluations, classes, therapy, and other appointments. ....	15
5. You have a right to a trial to decide if your rights to your child should be terminated. ....	15
<b>What Happens After DCPP Removes Your Children?.....</b>	<b>17</b>
Family reunification.....	17
Permanency hearings .....	18
Exceptions: When DCPP does not have to terminate parental rights ...	19
DCPP files a complaint for guardianship and termination of parental rights .....	19
<b>Who are the Parties and the Lawyers in Your Case? .....</b>	<b>21</b>
How to get a lawyer.....	21
Separate lawyers for each defendant .....	23
<b>How Can You Make the Best Use of Your Lawyer? .....</b>	<b>24</b>
<b>What are the Grounds for Terminating Parental Rights? .....</b>	<b>26</b>
1. Best interests of the child .....	26
2. Failure to cooperate or complete services .....	27
3. Abandonment.....	27
4. Conviction of a crime.....	27

5. Other court findings .....	27
<b>What are Your Rights? .....</b>	<b>28</b>
Getting services from DCPP .....	28
Visiting with your child (parenting time) .....	29
<b>What Options Do You Have? .....</b>	<b>31</b>
1. Try to regain custody of your child.....	31
2. Place your child in the custody of a relative or friend .....	31
3. Kinship legal guardianship .....	32
4. Voluntary surrender of parental rights and denial of paternity ..	33
<b>Stages of Termination of Parental Rights.....</b>	<b>35</b>
Stage 1: First court appearance in your termination of parental rights case .....	35
Stage 2: Discovery .....	35
Stage 3: Expert psychological and other evaluations.....	35
Stage 4: Mediation .....	38
Stage 5: Trial .....	38
<b>What Happens at Trial? .....</b>	<b>39</b>
The judge’s decision.....	41
Appeal.....	41
<b>Will You Have Contact with Your Children After Termination of Parental Rights? .....</b>	<b>42</b>
Final visit .....	42
Asking for continued contact .....	42
DCPP Adoption Registry .....	43
<b>Conclusion .....</b>	<b>45</b>
<b>Glossary .....</b>	<b>46</b>

# Introduction

**L**egal Services of New Jersey (LSNJ) coordinates the state-wide Legal Services system in New Jersey, providing free legal assistance to lower-income people in civil matters. Part of Legal Services' mission is to make people more aware of their legal rights and provide helpful information if they choose to pursue a legal case on their own. Awareness may help you resolve some problems on your own, without the need for a lawyer, or to make better use of a lawyer if you have one.

LSNJ wrote this handbook to help parents when the Division of Child Protection and Permanency, DCPP (formerly the Division of Youth and Family Services, DYFS), takes legal action to terminate (end) their rights to their children. This handbook contains information about the law and legal process that apply to you as a defendant parent being sued by DCPP in a termination of parental rights case. If DCPP is trying to end your parental rights to your child, reading and becoming familiar with the information discussed in this handbook may be useful to you. In addition, you may use the handbook as a reference, by finding specific topics in the table of contents and searching the [glossary on page 46](#) for a definition of terms mentioned here.

## **Important notes about using this handbook**

Legal Services of New Jersey makes this publication available for use by people who cannot afford legal advice or representation. It may not be sold or used commercially by others. You may copy this publication for personal or educational use only. Copies may not be modified and must retain the information identifying Legal Services of New Jersey and the date the materials were produced.

This handbook gives you general information about termination of parental rights. Only a lawyer can give you specific advice about your case and help you protect all of your rights. By providing this information, we are not acting as your lawyer. Always talk to a lawyer, if you can, before taking legal action.

The information in this handbook is accurate as of October 2022,



but laws often change. Please check our website, [www.LSNJLAW.org](http://www.LSNJLAW.org), for updates to this handbook, or talk to a lawyer for up-to-date legal advice.

### **Legal Services Family Stability and Preservation Project**

Through the statewide Family Stability and Preservation Project (FSPP), Legal Services of New Jersey lawyers who are specialists in child welfare law provide advice and sometimes extended representation to low-income parents in matters involving DCP. If you would like to apply to get advice or to have a Legal Services lawyer represent you, call LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. You may also apply online at [www.lsnjlawhotline.org](http://www.lsnjlawhotline.org). If you are not eligible for assistance from Legal Services, the hotline will refer you to other possible resources.

# Acknowledgments

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## **Comments and suggestions**

We hope that this handbook will be helpful to you. Please let us know if you have comments or suggestions that we might use in future editions. You can write to us or email us at:

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# What Does Termination of Parental Rights Mean?

**T**ermination of parental rights is very serious. It means the end of your relationship with your child. You will not see your child or live with your child again. You will not have contact with your child again, in person, by telephone, by mail, by computer, or any other way. You will not receive information about your child, like the child's health or school information. You will not see photos of your child as he or she grows up. The only way to have contact with your child will be if the adoptive parents give you permission.

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**It means the end of your relationship with your child.**

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## **This case is not a criminal case**

A termination of parental rights action is a civil court case, not a criminal court case. You cannot be put in jail if you lose this case. Some parents face criminal charges for child abuse or neglect in a separate criminal case. Parents who are charged with a criminal case are usually arrested when DCPP first removes the child. If you are a defendant in a criminal case or if the prosecutor's office is investigating you, make sure that your lawyer in your termination of parental rights case knows about your criminal case. Also, make sure that your criminal case lawyer knows about your termination of parental rights case. When there are two cases, one civil and one criminal, sometimes lawyers in each case must coordinate with each other.

This handbook does not address criminal law or procedure.

## **A note about child support**

Your child support obligation does not stop when parental rights are terminated. Your child support obligation only ends when the child is adopted. Until your child is adopted, DCPP, your county welfare agency, or a caregiver of your child, may file a child support case against you.

# Five Important Things Parents Need to Know About Termination of Parental Rights

**1. You need to get a lawyer to represent you as soon as possible. If you cannot afford to hire a lawyer, you can apply for a free lawyer.**

- *If you can afford a lawyer, you should get one immediately.*

Your county bar association's lawyer referral service can suggest names of lawyers who can help you.

- *If you cannot afford a lawyer, you may be eligible for a lawyer through the Office of Parental Representation (OPR). DCPD is required to give you contact information for the OPR office when they first file a complaint. Contact the OPR office before the first court date. To get a free OPR lawyer as quickly as possible, go to the family intake or family reception office at the courthouse as soon as you know that DCPD has filed an action against you. Tell the court staff that you would like a lawyer to represent you in your case. Bring a copy of any court papers you have received and proof of your income. You will have to fill out Form 5a with information about your income and any property you own. Give the court your contact information and tell them to notify you as soon as your lawyer is appointed.*

- *You may already have an OPR lawyer. If DCPD filed a child abuse or neglect case against you before it filed a termination of parental rights, you may already have a free OPR lawyer. Even if you already have an OPR lawyer in the child abuse or neglect case, you must complete a new application for an OPR lawyer in your termination of parental rights case. You may or may not get the same lawyer who represented you in the child abuse or neglect case. If you like the OPR lawyer who has already represented you, you may request that lawyer by name.*

- *Make sure you show your lawyer all of the papers you have, including all psychological or medical reports, all court papers, and all*

letters or papers you give to DCPD. Never sign any papers for DCPD without consulting your lawyer first.

- *Go over the complaint filed against you with your lawyer.* Let your lawyer know whether each statement is true or false. Give your lawyer a complete explanation of everything that has happened. Give the names, addresses, and telephone numbers of any friends or relatives who may be able to help you or help your child.

- *Be open with your lawyer.* Remember that your lawyer can advise and represent you best when he or she knows all of the facts. If you tell your lawyer something you do not want the court or DCPD to know, make sure the lawyer knows that you do not want that information disclosed.

- *Always make sure that your lawyer knows where to reach you.* Keep your lawyer updated with your phone numbers and addresses.

- *Make a list of every phone call and meeting you have with DCPD.* Write down what was said and what happened. Also, write down the date and time whenever you try to reach your DCPD worker but are unable to contact him or her. Leave messages on the answering machine when you cannot reach DCPD workers, evaluators, therapists, or other people involved in your case.

- *Keep track of all court and visitation dates and all evaluation, counseling, and therapy appointments* that are scheduled for you by your lawyer, DCPD, or the court. If you are required to call ahead to confirm your visits with your child in advance, write that down in your calendar too.

For more information, see [“How to Get a Lawyer” on page 21](#), and [“How Can You Make the Best Use of Your Lawyer?” on page 24](#).

## **2. You have the right to ask for services from Division of Child Protection and Permanency (DCPD) to help you get your child back.**

- If there are services that you need now, tell DCPD and your lawyer. If DCPD refuses to give you help, your lawyer can ask the judge to order services you need. If you cannot get DCPD to give

you services, try to find the help you need yourself. For example, if you have a substance abuse problem, you must enroll in a substance abuse treatment program immediately.

- DCPD is usually required to make “reasonable efforts” to help you. That means they have to refer you to counseling, family therapy, and substance abuse treatment if you need it.
- See [“Getting services from DCPD” on page 28](#) for more detailed information.

### **3. You must attend all scheduled parenting time visits with your child, and you have a right to request more frequent visits.**

- DCPD must arrange parenting time to visit with your child. If you have no way to get to your visits, ask DCPD to help you with transportation. Tell your lawyer if DCPD does not help you with transportation. Your lawyer may ask the judge to order DCPD to do so. Additionally, you can ask DCPD and the judge to let you contact your child by telephone, letters, or email. You can also ask to participate in the child’s extracurricular activities, such as attending a “back-to-school night,” a school play, or an organized team sport.

- DCPD must inform you about the progress, development, and health of your child.

- If DCPD is not letting you visit your child, you can ask the judge to order visits. If DCPD says that visits with you could be dangerous for your child, the judge may order psychological evaluations. Another possibility is that the judge may order visits with a therapist or counselor present.

- Many visits are held at the DCPD office. Many visits are supervised by a caseworker. If you are not happy with the frequency, location, or length of the visits, ask your lawyer to try for a better visitation plan. Your lawyer can request more frequent visits, longer visits, a different location, or a different supervisor. Some people want a relative, friend, or community member to supervise the visits.

- You can also ask for unsupervised visits. You will have a better

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**If DCPD is not letting you visit with your child, you may ask the court to order visits.**

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chance of getting unsupervised visits if you are attending the services offered to you or if the claims DCPD makes against you do not raise safety issues. For example, a parent charged with educational neglect may not need supervision during a visit. If your visits must be supervised, you or your lawyer may ask that a friend or relative be the supervisor.

- You may ask DCPD and the judge to allow your visits with your child to take place at your home; at the home of a friend or relative; or at a park, restaurant, or other public place. Sometimes visits can be arranged for a parent who is in prison or jail, a hospital, or a substance abuse treatment program.

- Visiting with your child is very important. See [“Visiting with Your Child” on page 29.](#)

#### **4. You should attend all court dates, evaluations, classes, therapy, and other appointments.**

- You should attend every service provided by DCPD. You want to be able to tell the judge that you have done everything you can to get your child back. The court may penalize you if you do not attend services.

- Tell your caseworker and your lawyer about your work or school schedule. Ask the caseworker to schedule appointments that do not conflict with your schedule. If you cannot go to the services you need because of your work or school schedule, consider changing your work or school schedule; or consider looking for a different job or school program that will let you attend the services you need.

- If you miss these scheduled appointments, it may hurt your chances of winning your case. [See “Getting services from DCPD” on page 28.](#)

#### **5. You have a right to a trial to decide if your rights to your child should be terminated.**

- If your case is not settled before trial, your trial is the most important event in your termination of parental rights case. It may last a number of days, which may not be one right after the other. You need to attend every day of your trial. You should dress neatly to make a good impression on the judge. You should wear the same kind of dressy

clothes you would wear to an important occasion, such as a wedding or funeral.

- DCPD lawyer will call witnesses to testify against you. The DCPD witnesses may be your caseworkers and the experts DCPD hired to evaluate you. Nurses, home health aides, counselors, neighbors, or relatives may be witnesses also. Some witnesses may say negative things about you. Even though you may be angry at some things they say, you must remain quiet and calm. If something a witness says is wrong, inconsistent, or reminds you of something important, you may quietly write a note to your lawyer.

- Your lawyer will also call witnesses to testify for you. Long before your trial, you should talk to your lawyer about who might testify for you. Your lawyer will need witnesses who can say positive things about you and your ability to care for your child. Your witnesses might be experts, therapists, counselors, neighbors, friends, members of the clergy, or family members.

- If you believe that your child is old enough to talk to the judge and that the child does not want his or her relationship with you to end, you should discuss with your lawyer the possibility of having the judge interview the child. Children rarely testify in court in termination of parental rights cases. Instead, the judge can interview the child in his or her office, which is called the judge's chambers. In most cases, all of the lawyers are allowed to submit questions for the judge to ask the child. Sometimes the judge allows the law guardian to be present during the interview. Generally, the lawyers are allowed to hear a tape or read a transcript of the interview later. In some instances, they may be able to listen to the interview from the courtroom.

- It is important for you and your lawyer to decide if you will testify at the trial. If you are going to testify, preparing your testimony is very important. You should spend as much time as possible with your lawyer in order to get ready.

- See ["What Happens at the Trial?" on page 39.](#)



# What Happens After DCPD Removes Your Children?

**T**he Division of Child Protection and Permanency (DCPD) is the child protection agency in New Jersey. DCPD is allowed to remove your children from your home at any time without a court order, if they feel your children are in imminent danger. DCPD is required to get a court order within two court days of removing your children. The judge will decide whether you abused or neglected your child. You might have a trial where the judge decides whether you abused or neglected your child; or you may have stipulated (agreed) to facts on which the judge bases his or her finding.

DCPD may also remove children from their homes if parents sign an agreement called a *voluntary placement agreement*. This agreement places the child with DCPD. If you signed a voluntary placement agreement, DCPD probably got a court order without filing a complaint or having a trial. The court order approves that placement under a law called *The Child Placement Review Act*.

DCPD can file a complaint in court to terminate parents' rights without first getting either a voluntary consent agreement or a court judgment of abuse or neglect, but this is rare.

## **Family reunification**

In most cases, DCPD is supposed to first try to work with parents to solve the problems that parents face in caring for their children. This is called making "reasonable efforts." DCPD must make reasonable efforts to prevent children from being removed. DCPD must also make reasonable efforts to return the child to your home after they have been removed. DCPD is supposed to help parents get services they need, including substance abuse rehabilitation, therapy or counseling, a home health aide, day care, or other services.

DCPD sometimes convinces the court that it should not be required to make reasonable efforts to help a parent. This can happen when a parent committed, or tried to commit, a serious crime against the child;

when a parent already had an involuntary termination of parental rights for another child; or in other unusual situations.

Family team meetings can happen at any time after DCP&P involvement. DCP&P is required to conduct an initial family team meeting within 45 days of removing a child from the home. Three additional family team meetings are required within the first year after child removal. These family team meetings should happen whenever something important happens. For example, a family team meeting should happen when a child's placement has changed. It should happen when parents complete services. It should happen whenever a child is in crisis. It should also happen any time the family and their team request it. It is very important for families to know that they have a right to call a family team meeting to get information. Families have a right to call a family team meeting to get clear answers about what they need to do for reunification or for closing an investigation. Mediation can also happen after a case has been filed in court. Family team meetings and mediations are voluntary. Nobody should leave these meetings feeling they have made agreements that they don't understand or that they were forced to sign.

### **Permanency hearings**

At a permanency hearing, DCP&P will tell the judge that it plans to terminate your parental rights. Permanency hearings must be held no later than 12 months after your child has been placed in the care of someone else. The permanency hearing must be held within 30 days if a court decides that DCP&P does not have to make reasonable efforts to reunify the family. When DCP&P decides not to reunify your family, it must make plans for your child to have a permanent home. Sometimes the permanent home will be with the child's current caretakers. Sometimes it will be with someone else.

Parental rights of both the mother and father need to be terminated before a child can be adopted. If DCP&P cannot find one of the parents, it must prove to the court that it tried to identify and find the parent but could not do so. DCP&P can still terminate that parent's rights if it can prove to the court that it tried, but was unable to find the parent.

When a child is adopted by the current caretakers, DCP&P calls it "*foster home adoption*" or "*resource parent adoption*." It is called "se-

lect home adoption” if DCP&P plans to find others to adopt your child.

### **Exceptions: When DCP&P does not have to terminate parental rights**

In most cases, DCP&P is required by law to file an action to terminate parental rights after a child has been in foster care for 15 months. There are exceptions to this requirement if:

- Your child is living with a relative and a permanent plan for the child may be achieved without termination of parental rights;
- DCP&P has written in your case plan a good reason (good cause) why termination of parental rights is not in the best interests of your child; or
- DCP&P believes that, to be a safe parent, you need certain help that it has not provided for you.

### **DCP&P files a complaint for guardianship and termination of parental rights**

The complaint that DCP&P has filed against you for termination of parental rights is also called a *guardianship complaint* because DCP&P will be awarded guardianship of your child if your parental rights are terminated. This complaint is a very important document. It explains why DCP&P is trying to end your parental rights. To do so, DCP&P must prove that the things it says about you in the complaint are true. The court then decides if the proof justifies terminating your parental rights under New Jersey law.

The termination of parental rights case filed against you can only be used to terminate your rights to the child or children named in the complaint. If you have other children who are not named in the complaint, the court cannot terminate your rights to those children through this court action. DCP&P can, however, ask the court’s permission to add their names to the complaint.

DCP&P is required to serve the complaint on you. To serve you means that DCP&P must give you a copy. In addition, DCP&P is required to serve you with a copy of a special order, called an *order to show cause* (OTSC). When DCP&P filed its termination of parental rights complaint against you, it also filed a request that the judge sign an OTSC. An

OTSC is a court order that tells you that you must appear in court on a specific date so that the judge can consider and decide your case as soon as possible. It is used in place of a summons. The date for you to

appear in court is called the *return date*. It is very important that you appear in court at the time and date described. If you do not go to court, the court will not consider your response to the complaint and will consider only the claims of DCP&P before it enters its order.

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**DCPP must prove that the things it says about you in the complaint are true.**

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# Who are the Parties and the Lawyers in Your Case?

**T**he *plaintiff* is the party who first files a complaint. DCPP is the plaintiff in a termination of parental rights action. The lawyer for DCPP is called a *deputy attorney general* (DAG). The *defendant* is the party who is sued by the plaintiff. In a termination of parental rights case, the parent is the defendant. As the defendant, you need to have a lawyer as soon as possible. If you cannot afford to hire a lawyer, you may be eligible to have a lawyer appointed. You may qualify for a lawyer from the Office of Parental Representation (OPR), which is a division of the New Jersey Office of the Public Defender (OPD). The child or children named in the complaint are represented by a lawyer called a *law guardian*. The OPD also provides law guardians for children in termination of parental rights cases.

## How to get a lawyer

It is very important that you get a lawyer as soon as possible. If you can afford to hire a lawyer, you should do so immediately. Your county bar association's lawyer referral service can suggest names of lawyers who can help you.

If you cannot afford a lawyer, you may be eligible for free legal services through the Office of Parental Representation (OPR). DCPP is required to give you contact information for the OPR when they first file a complaint. Contact the OPR office before the first court date. To get a free OPR lawyer as quickly as possible, go to the family intake or family reception office at the courthouse as soon as you know that DCPP has filed an action against you. Tell the court staff that you would like a lawyer to represent you in your case.

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**Get a lawyer to represent you as soon as possible. If you cannot afford a lawyer, you may be eligible to have one appointed.**

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Bring a copy of any court papers you have received and proof of your income. You will have to fill out Form 5a (available from the court before the hearing date) with information about your income and any property you own. Give the court your contact information and tell them to notify you as soon as your lawyer is appointed.

You may already have an OPR lawyer. If DCPD filed a child abuse or neglect case against you before it filed a termination of parental rights, you may already have a free OPR lawyer. Even if you already have an OPR lawyer in the child abuse or neglect case, you must complete a new application for an OPR lawyer in your termination of parental rights case. You may or may not get the same lawyer who represented you in the child abuse or neglect case. If you like the OPR lawyer who has already represented you, you may request that lawyer by name.

To get an OPR lawyer as quickly as possible, go to the family intake or family reception office at the courthouse where your case has been filed as soon as you know that DCPD has filed an action against you. Tell the court staff that you would like a lawyer to represent you in your case. Bring with you a copy of any court papers you have received and proof of your income. You will have to provide information about your income and any property you own. The court, not the OPR, is responsible for determining whether, based on income, you qualify for an OPR lawyer.

Give the court a telephone number and an address where you can be reached. Ask to be notified as soon as your lawyer is appointed. If a week goes by and you do not hear anything, call the OPR headquarters in Trenton at 609-292-7087.

If you do not have a chance to contact the OPR before your first hearing, you should ask the judge for a lawyer at your first hearing. An OPR lawyer may represent you provisionally. This means that an OPR lawyer will appear on your behalf at the first court hearing even though you have not actually applied for an OPR lawyer. After you have a chance to apply for an OPR lawyer, the judge will decide if your income qualifies you for representation by the OPR.

After your case is over, the New Jersey Office of the Public Defender (OPD) will send you a bill. The bill will include lawyer's fees and other

expenses, such as expert witness fees. Even if you cannot pay, you will still receive legal services. If you gain the ability to pay in the future—through earnings or inheritance or winnings—and you do not pay this bill, the court may place a lien on your property. You have the right to challenge the amount of the lien or your ability to pay.

Legal Services of New Jersey's Family Stability and Preservation Project provides free legal advice and sometimes extended representation to low-income parents in Termination of Parental Rights matters. To apply for these services see ["Introduction" on page 8.](#)

### **Separate lawyers for each defendant**

In a termination of parental rights case, the law requires that each parent have his or her own lawyer. This is the case even if both parents are asking that the child be returned to them so that they can raise the child together. Separate lawyers are needed because the parents may disagree during the case. Parents may take positions against each other. Separate lawyers give each parent a better chance to make the best possible case.

# How Can You Make the Best Use of Your Lawyer?

**Y**our relationship with your lawyer is very important. Here is a list of things you can do to make it work:

- Make sure you show your lawyer all of the papers you have, including all psychological or medical reports and all court papers relating to this case and all past cases concerning you and your child.
- Review the complaint filed against you with your lawyer. Let your lawyer know whether each statement is true or false. Give your lawyer a complete explanation of everything that has happened; complete information about your current situation; and the names, addresses, and telephone numbers of any friends or relatives who may be helpful.
- Be honest. Remember that your lawyer can advise and represent you best when he or she knows all of the facts. If you tell your lawyer

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facts.**

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something you do not want the court or DCPD to know, make sure the lawyer knows that you do not want that information disclosed. Your lawyer cannot tell anyone things that you want kept confidential, unless the information reveals that a crime will be committed or that a child has been abused.

- Always make sure that your lawyer knows where to reach you, and always respond as soon as possible when your lawyer tries to contact you. Even if your lawyer does not call you, check with him or her every other week about your case.
- Make copies of all letters or other papers you give to DCPD. Be sure to give a copy of each to your lawyer. Starting now, make a list of every phone call and meeting you have with DCPD. Write down what was said and what happened. In addition, write down the date and time whenever you try to contact your DCPD



worker but are unable to reach him or her. Leave recorded messages when you cannot reach DCPD workers, evaluators, therapists, or other people involved in your case.

- Get a calendar and keep track of all court and visitation dates and all evaluation, counseling, and therapy appointments that are scheduled for you by your lawyer, DCPD, or the court. If you are required to call ahead to confirm your visits with your child in advance, write that down in your calendar, too.
- Ask your lawyer to explain anything that you do not understand.
- Make sure that your lawyer knows what outcome you want him or her to try to achieve in this case, as well as your “fallback” position.
- Never sign any papers related to your case without consulting your lawyer first.

# What are the Grounds for Terminating Parental Rights?

**N**ew Jersey Statute N.J.S.A. 30:4C-15 and 30:4C-15.1 is the law that describes what DCPD must prove to terminate parental rights. You can get a copy of this law at courthouse law libraries and most public libraries. It describes the five different grounds for terminating parental rights. To win the case against you, DCPD must choose one ground and prove all of the elements of that ground at trial. The five different grounds are listed below.

## 1. Best interests of the child

The most common legal basis for terminating parental rights is called “best interests of the child.” To terminate your parental rights on the ground of best interests of the child, DCPD must prove that all of the following things are true:

- You have harmed or will continue to harm your child.
- You are unwilling or unable to end the harm or danger of harm to your child; you are unable or unwilling to provide a safe, permanent home for your child; or your child is emotionally attached or bonded to his or her current caretakers and would suffer serious and lasting emotional damage if separated from them.

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**The most common basis for terminating parental rights is called *best interests of the child*.**

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- DCPD has done what it was required to do to help you and to arrange for you to visit with your child.

- There are no reasonable alternatives to termination of parental rights, such as placing

the child with a relative.

- Terminating your rights will benefit the child more than it will hurt the child, usually because someone is waiting to adopt him or her.

## **2. Failure to cooperate or complete services**

Another legal basis for terminating parental rights is a parent's failure to cooperate. This means a failure to complete services offered by DCPP. DCPP must prove that the following things are true:

- You have not cooperated with services offered by DCPP, or you have not completed services offered by DCPP within a year of child removal, even though you are physically and financially able to participate in these programs. These include services for substance abuse, psychological problems, or dangerous parenting practices.
- DCPP has offered what it was required to do to help you.

## **3. Abandonment**

Parental rights may be terminated on the ground of abandonment if:

- DCPP does not know who you are, even though it has used all reasonable methods to identify you; or
- You had no contact with the child, the child's foster parents, or DCPP for six months or more without good reason; and DCPP does not know where you are and has been unable to find you.

## **4. Conviction of a crime**

Another ground for terminating parental rights is if you have been convicted of, or pled guilty to, abuse, abandonment, neglect, or cruelty to a child in a criminal case.

## **5. Other court findings**

Your parental rights also may be terminated if:

- A court has found that you committed or attempted to commit, conspired, helped, or hired someone to commit murder, aggravated manslaughter, or manslaughter of any of your children; or
- A court has found that you committed or attempted to commit an assault that resulted or could have resulted in significant bodily injury to any of your children; or
- A court has found that you committed some other very serious act that resulted or could have resulted in the death of or serious bodily injury to any of your children.

# What are Your Rights?

## Getting services from DCPD

This is your final chance to complete the services required by DCPD for returning your child to you. If you have a substance abuse problem, you must enroll in a substance abuse treatment program immediately. If you are recovering from substance abuse, this is an important time to get all of the help you need to stay clean. This is the time to get tested to prove that you are clean.

If there are particular services that you think you need now, tell DCPD and your lawyer. If DCPD refuses to give you help at this point, your lawyer can ask the judge to order DCPD to give you the services you need. If you cannot get DCPD to give you services, try to find the help you need yourself.

DCPD is usually required to make “reasonable efforts” to help parents correct their problems. These reasonable efforts include at least the following steps:

- Working with you to develop a plan for services to help you get your child back;
- Providing or referring you to the services you and DCPD have agreed upon, such as counseling, family therapy, or substance abuse treatment;
- Informing you about the progress, development, and health of your child in foster care; and
- Arranging for you to visit with your child.

Be sure to attend all of the sessions if DCPD is providing therapy, parenting skills classes, or other services. If you do not participate in these services, the judge may think that you are not trying hard enough. If you are ordered by a judge to participate in services

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**If you do not participate in DCPD services, the judge may think you are not trying hard enough.**

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and you do not participate, the court may penalize you.

Many parents face a scheduling problem. They have to miss work or school to attend evaluations, court, parenting classes, substance abuse programs, or therapy sessions. If you work or go to school during the day, make sure that the caseworker and your lawyer know your schedule for work and school. Ask them to make appointments that do not conflict with your work, school, or other appointments. If the services are not available when you can go, consider changing your work or school schedule; or consider looking for a different job or school program that will allow you to attend services. Try to arrange your schedule so that you can miss work or school when you have to attend services so that you can get your child back. Let your employer or teachers know that you sometimes will have to be away during the day. Talk to your lawyer if there is anything preventing your full participation in the services. Ask your lawyer to help you find a solution.

### **Visiting with your child (parenting time)**

Regular visits are a very important part of trying to get your child returned and maintaining your parental rights. You should have as much contact with your child as possible. Regular visits help maintain and strengthen your relationship with your child and allow your child to have consistent and reliable contact with you. It is very important that you do not miss visits with your child.

You can ask the court to order visits if DCPD is not letting you visit with your child. The judge may order psychological evaluations if DCPD claims you could be psychologically or physically dangerous for your child. The judge might order that visits take place in the presence of a therapist or counselor.

In many cases, visits are held at the DCPD office and are supervised by a caseworker. If you want to change the visitations, ask your lawyer to try to get a better visitation plan. Your lawyer may be able to request that the judge change how often you visit, where your visits take place, or how long they last.

You may request to change the supervisor. You can request to be supervised by a relative, friend, or community member, instead of a caseworker. New Jersey has certain rules on visitation for parents and

children. One rule is that frequent and long family visits are good for most children. The rules say that the goal for most children is to have long weekly visits with parents in the most comfortable setting possible.

You may also ask that visits be unsupervised. You will have a better chance of getting unsupervised visits if you are making progress in completing the services or if DCPP does not think there are safety issues. For example, a parent accused of educational neglect may not pose a danger to a child. That parent may not need supervision during a visit. If your visits must be supervised, you or your lawyer may suggest a friend or relative to be the supervisor.

You may ask DCPP and the judge to allow your visits with your child to take place at your home; at the home of a friend or relative; or at a park, restaurant, or other public place. Sometimes visits can be arranged for a parent who is in prison or jail, a hospital, or a substance abuse treatment program.

In addition to parent-child visits, you may ask DCPP and the judge for contact by telephone, letters, or email. You may also ask to participate in or attend the child's extracurricular activities, such as attending a back-to-school night, a school play, or an organized team sport.

Make the most of your time with your child. Try to take healthy snacks for your child to eat and drink at the visits. Take games to play or books to read. Sharing pictures can help reinforce your child's relationship with the family.

If you have no way to get to your visits, ask DCPP to provide you with transportation. If DCPP does not agree to provide transportation, your lawyer may ask the court to order DCPP to provide it. If DCPP does not provide transportation after a court order, DCPP has failed its requirement to make reasonable efforts for reunification.

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**Unsupervised visits are more likely to be granted if you are making progress in completing services offered to you.**

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# What Options Do You Have?

**T**ermination of parental rights has serious consequences for you and your child. You must give a great deal of thought to your response to the court. You have the following options:

## 1. Try to regain custody of your child

You have a right to a trial where you will have the opportunity to defend against termination of your parental rights. You have a right to try to convince the judge to return your child to you.

The fight to keep your parental rights and regain custody of your child is a difficult one. To have a chance of winning, you must work closely with your lawyer. You must be ready to devote a lot of time and energy to the case.

## 2. Place your child in the custody of a relative or friend

An alternative to termination of your parental rights is to try to have your child placed with a relative or friend. You have the right to request that DCPP investigate the possibility of placement with either a relative or a friend. DCPP may place your child with a friend or relative from either side of the child's family.

DCPP is more likely to agree to place your child with a relative than with a friend.

When DCPP first removed the child from you, it was required to look for relatives who might be able to care for the child. DCPP probably will oppose moving your child to the home of a relative if the child is currently living with caretakers who want to adopt the child. However, whether or not DCPP wants to move your child, you should tell DCPP and your lawyer about a relative or friend who could provide a good home for your child. If DCPP is considering a friend or relative with whom you do not want your child to live, tell your lawyer and DCPP.

DCPP will ask potential caretakers, including a relative or a friend, to go through trainings and a home study before the child is placed in

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**You must work closely with your lawyer and be ready to devote a lot of time and energy to the case.**

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**Sometimes DCPD will agree to end a case by giving a relative or friend custody without terminating parental rights.**

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that home. If successful, the relative or friend can be certified as a “foster parent” by DCPD. A home study includes criminal and DCPD records checks. Some people do not qualify to be certified as foster parents due to certain criminal history, prior DCPD involvement, or other facts that may be revealed by the home study. Even if DCPD does not approve, you may present your plan to place your child with your relative or friend to the judge at your trial as an alternative to termination of your parental rights. The judge must at least consider your plan.

Sometimes DCPD will end your case by giving a relative or friend custody without terminating your parental rights. If this happens, you may be able to work out visitation arrangements with the relative or friend. Sometimes DCPD will not allow the parent to have any contact with the child even after the case ends. Sometimes DCPD will place conditions on visits. Also, if a parent tries to get back custody from the relative or friend in the future, DCPD may oppose it. However, as long as parental rights are not terminated, a parent has a right to go back to court later to try to change the visitation and custody arrangements. The court may let DCPD oppose changes it believes would be unsafe for the child.

Even if your first choice is to have the child returned to you, think about suggesting a relative or a friend as a fall-back alternative to termination of your parental rights. A relative or friend who takes custody of your child might be able to get money from DCPD as a certified foster parent, or the relative or friend might get money from the welfare department. You also may be required to pay child support.

### **3. Kinship legal guardianship**

*Kinship legal guardianship (KLG)* is an alternative to termination of parental rights. KLG is more permanent than placing a child in the custody of a relative or friend. However, KLG allows a parent to keep some parental rights. In most cases, this includes the right to have visits and the



right to decide whether to allow the child to be adopted or to change his or her name.

The court may give KLG to someone who has taken care of the child for a year or more. The caretaker's home will be approved only after criminal history and DCPD records checks, a home inspection, and the completion of foster parent training. The court must decide that a parent has an incapacity that makes him or her unwilling or unable to take care of a child. DCPD must first make reasonable efforts to reunify a parent with a child before the court decides on KLG. The court must also find that adoption of that child is not likely.

Financial assistance is usually available from DCPD to help a KLG guardian take care of a child. However, a parent may be required to pay ongoing child support.

If KLG of your child is awarded, getting your child back in the future may be very difficult. To undo KLG, you would have to prove two things by "clear and convincing" evidence. First, you must prove that your incapacity no longer exists. Second, you must prove that returning your child to you is in the child's best interests.

If you decide that KLG would be a good thing in your case, you should tell your lawyer. You and your lawyer can request that DCPD and the court consider that option. If you oppose having your child placed in KLG, even as a way to settle your case, you should make that clear to your lawyer, to DCPD, to the law guardian, and to the court. You have a right to a trial to defend against awarding KLG.

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**Only someone who has taken care of a child in his or her home for a year can be granted kinship legal guardianship.**

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#### **4. Voluntary surrender of parental rights and denial of paternity**

Surrendering your parental rights is a very serious decision that requires a serious discussion with your lawyer. Surrendering your parental rights means that you agree to end your legal relationship with your child. A surrender of your parental rights ends your relationship with your child in the same way as a judge's decision terminating your pa-

rental rights. The only remaining connection you will have to your child after surrendering your parental rights is to pay child support. That duty will end when the child is adopted. Before you agree to a voluntary surrender, a judge is required to ask you questions on the record to make sure that you are informed of your rights. The judge is also required to ask you questions on the record to make sure that you are voluntarily surrendering your parental rights. DCPD is supposed to provide you with counseling before it allows you to surrender your rights to your child. If the court and DCPD accept the surrender of your parental rights, there will not be a trial. Once you surrender your rights, you cannot change your mind or appeal your surrender.

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**Surrendering your parental rights means you agree to end your legal relationship with your child.**

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You can surrender your parental rights in two ways. The first way is a general surrender. A general surrender ends the parent-child relationship and allows DCPD to find an adoptive home. The second way is an identified surrender. An identified surrender ends the parent-child relationship, but names a specific person to adopt the child. If the person you identify is not able to adopt the child, your parental rights will be reinstated. If that happens, DCPD may begin termination proceedings again or ask you to make a general surrender.

If you have been named as a father in this case, but you believe that you are not the father of the child, you can tell the judge that you deny paternity. If your denial of paternity is accepted, you will not have any rights to the child. You can also be dismissed from the case without a trial. If the judge does not accept your denial of paternity, you may be ordered to be tested for paternity.

# Stages of Termination of Parental Rights

## **Stage 1: First court appearance in your termination of parental rights case**

Sometimes parents are able to appear in court when DCPD initiates their termination of parental rights case. However, in most instances, the first time a parent goes to court in a termination of parental rights case will be the return date—the date on which the parent is required to appear.

If English is not your native language and you do not understand English well enough to know what is being said, ask for an interpreter to be present each time you are in court.

## **Stage 2: Discovery**

Beginning at the first court appearance, both sides will gather information for the trial. This process of information gathering before a trial is called *discovery*. Under the discovery rules, DCPD is required to give your lawyer copies of all of the reports and other papers it is relying on to make its case against you. Your lawyer is allowed to look at the DCPD file about you and your children. The DCPD reports and file are very important. You should discuss the information in the reports and the file with your lawyer. If your lawyer wants more information from DCPD or other sources that refuse to provide it, your lawyer will need the court's permission to get it.

## **Stage 3: Expert psychological and other evaluations**

Psychological evaluations are very important to your case. DCPD may ask you to be evaluated by a psychologist or other mental health expert it selects. The court may order you to go to substance abuse evaluations or physical examinations. If you do not cooperate with these court-ordered evaluations and examinations, you will almost certainly lose your case. A DCPD expert may also watch you and your child together to see what kind of relationship you and your child have. The ex-

pert will also see how emotionally attached your child is to you. If DCPD claims that the child has become emotionally bonded to foster parents who want to adopt him or her, the foster parents' relationship with the child must also be evaluated. The DCPD expert will see if separation from them will cause your child "serious and enduring harm."

An evaluation by an expert witness is not a private therapy session. There is no doctor-patient privilege or confidentiality. The expert evaluator will prepare a report for DCPD that may be used in court against you. The report will describe events and conversations that occurred during your evaluation.

Sometimes lawyers agree on joint experts, but you probably need to have your own defense expert. Part of your lawyer's job is to arrange for an expert to help in your defense. After your expert has evaluated you, your child, and, in some cases, the foster parents, the expert may be able to testify to positive attributes about you. Your expert also may be able to testify that he or she disagrees with negative testimony DCPD's experts may give about you. If your own expert reaches conclusions that would hurt rather than help your case, your lawyer does not have to call the person to testify at your trial.

You have a good chance of getting your child back if DCPD's experts think you meet two requirements. One is that you can take care of your child. The second is that your child is attached to you. On the other hand, DCPD will use their evaluations as evidence against you if their experts think that your child might be harmed if he or she is returned to you.

You may get money to pay for a defense expert from the OPR even if you have a private attorney. If you are eligible for an OPR lawyer, your private lawyer can apply to the OPR for money to pay your defense expert.

Always be on time for the expert evaluations. Be polite, and follow the instructions of whoever is evaluating you. Remember that the experts who have evaluated you will be telling the judge what they think of you.

### ***How you act while your case is pending is important***

Always remember that DCPD, the law guardian, and the judge are forming opinions about you based on your behavior. Angry or aggres-

sive behavior will hurt your chances of winning your case. A respectful and calm manner will show that you are a responsible parent. Try to remember this at visits with your child, in your treatment program, at your therapy, at parenting classes, and in court. This is also important when anyone from DCPD or the law guardian's office visits you. Your behavior toward DCPD workers, foster parents, therapists, the judge, other court officials, any of the lawyers, or anyone else will be noticed. Show that you are cooperating and are doing all the reasonable things you are asked to do.

### ***What you say may be used against you***

Statements you make to DCPD workers may be used against you in your termination of parental rights case and in a criminal case. The same is true of things you say to therapists or anyone who is evaluating or investigating you. Only what you tell your lawyer is confidential.

### ***Defaults***

If you miss any court hearing or any court-ordered evaluation, a *default* can be entered against you. Defaults are dangerous. Once a default is entered, DCPD can ask for a proof hearing instead of a regular trial. At a *proof hearing*, DCPD will still have to prove all of the facts the law requires for termination of parental rights, but you will not be allowed to have defense experts or other witnesses or any other evidence on your behalf. Your lawyer will be allowed to cross-examine only the witnesses presented by DCPD or the law guardian. Objections to evidence offered against you will also be permitted at the proof hearing.

You may be able to undo a default by explaining why you missed the court hearing or evaluation. You will have to ask the judge to vacate the default. If your default is vacated, your right to a complete trial will be given back to you. Be prepared to give your lawyer and the court evidence of a serious event that prevented your attendance. An example of such evidence is an emergency room discharge form if you were in a car accident on the way to court.

You need to contact your lawyer as soon as possible if you miss court or an evaluation. Your lawyer will know or can find out if a default has been entered and can try to vacate it, with your cooperation.

#### **Stage 4: Mediation**

Mediation is an alternative to a trial. Mediation is a voluntary process to give parties a chance to work out their disputes with a neutral person. The judge will not be part of mediation. Mediation can involve parents, foster or adoptive parents, relatives, the child, DCPD workers, attorneys, and anyone else with an interest in the case. Unlike a trial, mediation is informal. If all parties agree to a result, mediation will end in a signed agreement. A mediation does not have to end in an agreement. The mediation process can be requested by a party. Mediation can also be ordered by a court. As in mediation, DCPD is required to conduct family team meetings to develop family goals.

#### **Stage 5: Trial**

If you do not reach an agreement in mediation, a trial will be scheduled. The trial is the most important stage in your termination of parental rights case, and it will be discussed in depth in the next section.

# What Happens at Trial?

**Y**our trial will probably last a number of days, which may not be one right after the other. You need to be present in court every day of your trial. You should dress neatly to make a good impression on the judge. You should wear the same kind of dressy clothes you would wear to an important occasion, such as a wedding or funeral.

A trial usually begins with opening statements given by the lawyer for DCPD, the law guardian, and the lawyers for the parents. Opening statements introduce the facts each lawyer will try to prove. Each lawyer will explain how those facts are related to the laws that control termination of parental rights.

Next, the DCPD lawyer will call witnesses to testify against you. The DCPD witnesses probably will be the caseworkers and the DCPD experts who evaluated you. Other witnesses against you may be visiting nurses, home health aides, substance abuse rehabilitation counselors, neighbors, or relatives. They may say negative things about you. You must remain quiet and calm even though you may be angry at some things they say. If something they say is wrong, inconsistent, or reminds you of something important, you can quietly write a note to your lawyer.

The DCPD lawyer will ask questions of each witness. This is called *direct examination*. Then, your lawyer will have a chance to ask the witnesses questions that bring out your side of the story. This is called *cross-examination*. Your child's law guardian will also get to cross-examine the DCPD witnesses.

When the direct examination and cross-examination of DCPD witnesses are finished, your lawyer will call your witnesses. Long before your trial, you should discuss with your lawyer who can be your witnesses. Your lawyer may ask experts, therapists, counselors, neighbors, friends, members of the clergy, or family members to be your witness. They can say positive things about you. They may testify about your ability to care for your child. The lawyer for DCPD and the law guardian will have a chance to cross-examine the witnesses called by your lawyer.

If you believe that your child is old enough to talk to the judge and

that the child does not want his or her relationship with you to end, you should discuss with your lawyer the possibility of having the judge interview the child. Children rarely testify in court in termination of parental rights cases. Instead, the judge can interview the child in his or her office, which is called the judge's *chambers*. In most cases, all of the lawyers are allowed to submit questions for the judge to ask the child. Sometimes the judge allows the law guardian to be present during the interview. Generally, the lawyers are allowed to hear a tape or read a transcript of the interview later. In some instances, they may be able to listen to the interview from the courtroom.

It is important for you and your lawyer to decide if you will testify at the trial. Usually, a parent fighting against termination of parental rights will want to testify. If you do not testify, the judge may think that you have something to hide or that you have no defense to the evidence against you. However, in deciding to testify or not, you must remember that you will be cross-examined by the lawyers for DCPD and your child. They are likely to try to get you to say things that will hurt your chances of keeping your parental rights.

Preparing your testimony is very important. You should spend as much time as possible with your lawyer to get ready. You have to be ready to answer the questions your lawyer will ask you on direct examination. You also have to be ready to answer the questions that you might be asked on cross-examination.

Your child's law guardian also has the right to call witnesses. Again, your lawyer will have the chance to ask those witnesses questions on cross-examination.

After all witnesses have finished, the lawyers will make closing arguments to the judge, either orally or in writing. Your lawyer will argue that DCPD has not proven clearly and convincingly the specific things required under New Jersey law to terminate parental rights. DCPD will argue that it has proven its case by "clear and convincing evidence," meaning proof that is very strong. The law

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**If you do not testify, the judge may think that you have something to hide or that you have no defense to the evidence against you.**

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guardian will also be allowed to make closing arguments.

### **The judge's decision**

The judge must decide whether or not to terminate your parental rights. The decision will be based on the evidence presented at your trial and the law. The judge may announce the decision right after your trial ends, or the judge may take some additional time before making the decision. If the judge decides in your favor and orders your child returned to you, you and your child probably will be reunified gradually. It may be after daylong visits and then overnight visits. Another possibility is that the judge may not terminate your parental rights, but may decide that your child should be placed in the custody of a relative or family friend. It is also possible that the judge will decide that the case should become a kinship legal guardianship case.

### **Appeal**

If you disagree with the judge's decision at the end of your trial, you have a right to appeal it. Appeals that challenge what the judge determined were the facts in a case are rarely successful. Most appeals challenge whether the trial judge applied the law correctly. DCPD and the law guardian also have a right to appeal if they disagree with the decision. Your lawyer should let the judge know if you wish to appeal and should start the appeal process for you. The time limit for filing an appeal is 21 days from the date the judge signs the order. It may take many months for your appeal to be decided. If you appeal, your lawyer may request that visits with your child continue while the appeal is pending.

# Will You Have Contact with Your Children After Termination of Parental Rights?

## **Final visit**

If you voluntarily surrender your parental rights or the court decides to terminate them, you may ask your lawyer to request a final visit. This final visit may be very important for both you and your child. The final visit is a time to say goodbye. At the final visit, you can take pictures of your child and give your child pictures of you and other members of your family. Even if you do not have a final visit, you may request permission to write a final letter to your child, including pictures, if you wish.

## **Asking for continued contact**

In some cases, the people who adopt your child may let you keep in touch with your child. If you want continued contact with your child, you can ask the adoptive parents whether they will agree to it. You can also ask if they will agree to give you information about your child after the adoption. If you do not know your child's adoptive parents well enough to speak directly with them, you can ask your DCPP worker to ask them for you. If you are considering surrendering your parental rights by an identified surrender, you can ask for a meeting or mediation with the adoptive parents. You can ask for continued contact at the meeting. You can make this request before you decide whether to proceed with the surrender. Be specific about the type of contact you would like to have with your child. For example, you can ask for contact by telephone calls, in-person visitation, emails, letters or cards, or by getting pictures and updates of the child from time to time. Some adoptive parents allow contact by letter by using a post office box.

**You should know that the adoptive parents can break any promises they make to you or to the court about continued contact after the adoption. There are no penalties for breaking such promises. You**

**will not be able to ask the court to help you if the adoptive parents or DCPD do not keep their promises.** After your parental rights are terminated, it is completely up to the adoptive parents if they want to allow you any contact with your child or to give you information about your child. It does not matter what they promise to you before the adoption. They can also refuse to meet with you or consider your requests. Many adoptive parents do not want to allow the children they adopt to have continued contact with their birth parents.

### **DCPD Adoption Registry**

DCPD keeps an Adoption Registry that your child can use to try to find you. Your child can use the Adoption Registry when he or she turns 18. The Adoption Registry can be accessed earlier than age 18 if the adoptive parents allow it. The Adoption Registry can provide your child with important information, including health histories of you and your family. This information can also be accessed without identifying you. Such information may become very important to your child as he or she grows up.

You can place information about yourself and your family on the Adoption Registry. You need to fill out a DCPD Adoption Registry application form. When your child contacts the Adoption Registry, the staff will try to find you. The staff will ask for your identification and written permission to release information about you to the child. The Adoption Registry will release the information about you to your child. They may also arrange contact between you and the child.

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**DCPD keeps an Adoption Registry that your child can use to try to find you.**

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For more information about the registry and to obtain a registry application form, speak to your DCPD worker or call or write the DCPD Adoption Registry office in Trenton:

DCPD Adoption Registry  
P.O. Box 717  
Trenton, NJ 08625-0717  
609-888-7474

Remember that the registry staff may not be able to find you in the future if you do not report changes in your name, address, and telephone number.

# Conclusion

If you want to fight to keep your parental rights, you will have the best chance of winning if you get a lawyer right away.

You must give your lawyer as much information as possible.

Stay in touch and work with your lawyer. Carefully follow his or her advice. You must attend all court dates, evaluations, and scheduled visits with your child. You must also attend any therapy and substance abuse counseling sessions, meetings, medical appointments, and parenting classes DCPD asks you to attend. You must keep proof of your attendance and the progress you have made.

Defeating a termination of your parental rights requires a lot of time and hard work. You may lose your case even if you work very hard and do everything that you are asked to do. You must be willing and able to commit your best efforts to defending your parental rights, or you will almost surely lose. The trial alone is likely to require you to be in court a number of days.

Being the defendant in a termination of parental rights action is frightening, stressful, and very difficult emotionally. However, you must not become discouraged or refuse to deal with the situation. You must start from where you are at this moment and do your very best to keep your family together, if that is what you want.

# Glossary

**Best interests of the child:** The most common legal basis for terminating parental rights, where DCPP must prove a number of reasons that it is best that your parental rights be ended.

**Case Worker:** An employee of DCPP who has been assigned to your case. This person may or may not have a degree in social work. Your case worker reports to DCPP and may testify in court on behalf of DCPP. Your DCPP case worker is different from and not affiliated with your welfare social worker.

**Chambers:** The judge's office.

**Clear and convincing evidence:** The highest level of proof required in a civil case—the civil equivalent of the “beyond a reasonable doubt” standard in criminal cases.

**Cross-examination:** An attorney's questioning of a witness called to testify by the other side in the case. Cross-examination questions are asked in order to check or discredit the testimony, knowledge, or credibility of the witness.

**DCPP:** Division of Child Protection and Permanency.

**Defendant:** The party who is sued by the plaintiff. In a termination of parental rights case, the parent is a defendant.

**Default:** A default can be entered against you if you fail to appear or respond to court orders or miss any court hearing or any court-ordered evaluation. If a default is entered, DCPP can ask for a proof hearing.

**Deputy attorney general (DAG):** The lawyer for DCPP in a termination of parental rights complaint.

**Direct examination:** The questions that a lawyer asks each of his or her client's witnesses.

**Discovery:** The process of requesting and providing information before a trial.

**Doctor-patient privilege:** Special protection is given to the things you tell a doctor who treats you as a patient regularly. The same is not true for an expert doctor who evaluates you for your trial.

**Foster home adoption:** DCPD's plan for a child to be adopted by his or her current caretakers.

**Guardianship complaint:** Another name given to the complaint filed by DCPD against the birth parents of a child or children in order to terminate their parental rights. This term refers to the fact that, if DCPD wins its case, it takes temporary legal guardianship of the child or children until they are adopted by someone else.

**Identified surrender of parental rights:** An agreement to end your parent-child relationship, which names a specific person to adopt the child.

**General surrender of parental rights:** An agreement to end your parent-child relationship, which allows DCPD to find an adoptive home.

**Kinship legal guardianship:** A legal alternative to termination of parental rights that is designed to be more permanent than placing a child in the custody of a relative or friend, while allowing you to keep some parental rights to your child.

**Law guardian:** The lawyer who represents the child named in a termination of parental rights complaint.

**Office of Parental Representation (OPR):** A branch of the Office of the Public Defender that represents low-income parents who cannot

afford lawyers in termination of parental rights hearings.

**Order to show cause:** A special court order that tells you that you must appear in court on a specific date so that the judge can consider and decide your case as soon as possible.

**Permanency hearing:** A hearing at which DCPD presents to the court its permanency plan for the child.

**Plaintiff:** The party who begins a civil lawsuit by filing a complaint. DCPD is the plaintiff in a termination of parental rights action against a parent.

**Proof hearing:** If a default is entered, DCPD can ask for a proof hearing. DCPD will still have to prove all of the facts the law requires for termination of parental rights, and your lawyer will be allowed to cross-examine the witnesses presented by DCPD or the law guardian.

**Return date:** The date on which you must return to court.

**Select home adoption:** DCPD's plan to find others to adopt your child.

**Vacate:** The process of undoing a default judgment that has been entered against you is called vacating a judgment. To do this, you must file papers explaining your reason for not going to a court hearing or evaluation and asking the judge to vacate the default. If your default is vacated, your right to a complete trial will be given back to you.

**Voluntary placement agreement:** An agreement signed by parents to voluntarily place their child with DCPD.