

Frequently Asked Questions

Q: Who has parental rights?

A: Only legal parents, who may or may not be the biological parents, have parental rights. Legal parents include parents married at the time of child's birth, or a father who is on the birth certificate, signs an Affidavit of Parentage with the mother, or obtains an Order of Filiation proving paternity.

Q: When will the Court terminate?

A: The Circuit Court must order termination if it receives a petition for termination that alleges one or more of the statutory bases for termination, which the Court finds to be true based on clear and convincing evidence and in the child's best interest.

Q: Does a minor guardianship terminate parental rights?

A: No, a court issued minor guardianship only suspends parental rights.

Q: Can a parent voluntarily terminate his or her rights?

A: Yes, a parent can release his or her rights or consent to adoption.

Q: Can termination of parental rights be reversed?

A: Generally, no. Termination is a permanent decision, although it can be appealed.

Q: Can a parent whose parental rights were terminated have contact with the child?

A: No, unless the new guardian/custodial parent/adoptive parent consents to the contact.



Useful Resources

30th Judicial Circuit Court – Family Division

<http://cc.ingham.org/FamilyDivision.aspx>

Michigan Courts: Termination of Parental Rights Toolkit

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/CWS/CWSToolkit/Pages/Termination-of-Parental-Rights.aspx>

State Bar of Michigan: Children, Child Support, and Parental Rights Justice Initiative

<http://www.michbar.org/file/programs/cii/pdfs/children-parentrightsprintable.pdf>

Michigan Legal Help

<http://michiganlegalthelp.org>

Ingham County Probate Court

Veterans Memorial Courthouse

313 W. Kalamazoo Street

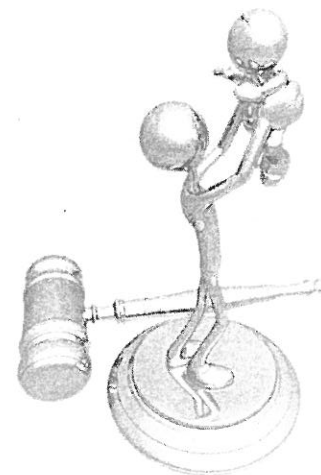
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INGHAM COUNTY PROBATE COURT



TERMINATION OF PARENTAL RIGHTS WHAT YOU NEED TO KNOW

Parental Rights

In Michigan, parental rights include the rights pertaining to the care and custody of the child. Legal parents have the right to:

- Parenting time with the child
- Benefit from services and earnings of child
- Determine the child's schooling, religion, and parenting practices.



Voluntary Termination

Either parent (including a putative father) may voluntarily terminate his or her parental rights.

In an **adoption case**, a parent may give direct consent to termination. Consents become part of the adoption file, which are sealed. Individuals wanting to know if parental rights have been terminated may petition the Court to release adoption records.

In a **private adoption**, the parent may sign an out-of-court consent or release at least 72 hours after the child's birth in front of the parent's attorney and social worker from the child placing agency.

In an **abuse/neglect case**, a parent may sign a release of parental rights. If the release is acknowledged by the Court, an order terminating parental rights will be in the abuse/neglect case file, available at the Circuit Court.

Involuntary Termination

Involuntary termination typically occurs in abuse and neglect cases in Circuit Court. Orders terminating parental rights in these cases may be found in the abuse neglect case file, available at the Circuit Court.

To terminate a parent's rights, the Circuit Court must receive a petition requesting termination from the agency, the child, the child's legal guardian, the foster parent, the state children's ombudsman, or the prosecutor.

Michigan's Juvenile Code gives 14 bases a court may terminate a parent's rights (see Michigan Compiled Laws §712A.19b(3)). The petitioner must provide clear and convincing evidence that termination is in the child's best interest. Examples of bases to terminate parental rights:

- Abandonment
- Child abuse or neglect
- Breakdown of parent-child relationship
- Failure to pay child support or provide/care for the child
- Failure to visit or contact the child, despite ability to do so, for at least two years
- Failure to arrange for child during incarceration

Children's best
interests
come first.



APPEAL

After Termination of Parental Rights

A parent whose rights have been terminated by the court has a right to a rehearing by the Circuit Court. The parent must submit a written request for rehearing within 21 days of the order terminating parental rights.

Alternatively, the parent whose rights have been terminated may appeal the termination to the Court of Appeals. The request for appeal must be made to the Court of Appeals within 21 days of the order terminating parental rights.

The petitioner who requested the termination of parental rights may also appeal if his or her request to terminate was denied. This appeal must also be made to the Court of Appeals within 21 days of the termination order.

Applicable Law

The following court rules and statutes pertain to termination of parental rights:

- Michigan Court Rule 3.977
- Adoption Code
 - MCL 710.41
 - MCL 710.44(8)(c)
 - MCL 710.51
- Juvenile Code
 - MCL 712A.19b