

## Child and Family Services Policy Manual: Adoption Role of the Birth Parents

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| <b>Policy</b>                           | When appropriate, birth parents should be involved in the planning and placement for adoption of their child. However, once parental rights are terminated or relinquished, the birth parents have no legal right to intervene in any respect.   |
| <b>Involuntary Terminations</b>         | When an involuntary termination has occurred, birth parents may state preferences with respect to the placement. Once parental rights have been legally terminated, the Department has no obligation to involve the birth parents in the planning; however, involvement of birth parents and extended family members is often appropriate and in the child's best interest.  |
| <b>Family Group Conference/ Meeting</b> | It is often appropriate and in the child's best interest to involve kin early in the adoption process. A family group conference can be an appropriate process and should be developed through consultation with the placement team, including, the placing worker and his or her supervisor, the family resource specialist and supervisor and relevant others. The conference assists the worker with development of a safety plan for the child and helps identify the most appropriate placement.  |
| <b>Voluntary Relinquishments</b>        | <p>If the birth parents voluntarily agree to relinquish their child for adoption, they may state particular preferences regarding the characteristics of the family they want for the child. Any preferences can and should be considered by the placing worker if in the child's best interests, but no guarantees or promises of any kind can be made to birth parents.</p> <p>A relinquishment may not be taken from a birth parent until the child to be relinquished is at least 72 hours old and the birth mother has received counseling. Birth fathers, if available, are encouraged to also receive counseling. If the child to be relinquished is an Indian child, a relinquishment may not be taken until the child is at least ten days old. The relinquishment of an Indian child must be in writing before a judge. (See Section 602-3, Indian Adoptions, and Section 303-2, Relinquishment.)</p> <p>A voluntary relinquishment is not valid unless the person or entity to whom the child is being relinquished accepts temporary custody and agrees to assume the care and support of the child pending an adoption.</p> <p>In a direct parental placement, if the parent is a minor the parent must be represented by a separate legal counsel from</p> |

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the attorney for the adoptive parent(s). The legal fees charged by the minor parent's attorney are an allowable expense that may be paid by the prospective adoptive parents.

**Conditional  
Relinquishments**

Conditional relinquishments shall not be taken by the Department. Any agreement regarding continued contact or visitation between the adopted child and birth family members cannot be guaranteed to a birth parent by a placing worker. Any agreement for continued contact must be arranged directly between the adoptive parents and the birth parents. Any increase or decrease in the type or frequency of contact is at the discretion of the adoptive parents once a final decree of adoption is issued.

**Reference**

Mont. Code Ann. § § 42-2-401 et. seq. and 42-5-301