

# about **Frequently Asked Questions** **Termination of Parental Rights**

Termination of parental rights (TPR) is a legal action that permanently ends the legal relationship between a parent and child. Whether initiated by a parent, guardian, or agency, a TPR proceeding can have lasting and permanent consequences for all parties involved.

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## **What is termination of parental rights (TPR)?**

A termination of parental rights involves the complete legal removal of a person's parental rights for a child naturally birthed or legally adopted. Due to constitutional protections of a person's right to parent, a termination of parental rights is a complicated process. Once completed, a parent essentially has no more influence or rights over a child than a random third party. A person whose rights have been terminated no longer has the right to visitation or custody of the child, not even a phone call. Generally once the termination is granted, it is permanent and irreversible.

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## **What are the legal grounds for termination?**

North Carolina requires that a specific ground for termination exist in the Adjudication phase of the legal proceedings, prior to proceeding with a TPR. Said grounds include: abuse or neglect of the child, abandonment, failure to pay court-ordered child support without justification for a period of one year or more, and more.

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## **Can a parent voluntarily give up their rights?**

Yes, but only under specific circumstances. A parent cannot simply "sign away" their parental rights and responsibilities unless the court finds that the child's needs will be appropriately addressed by other individuals, such as in connection with adoption proceedings.

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## **Can termination be reversed?**

No. Once parental rights are terminated, the decision is permanent and irrevocable, except in rare cases of procedural error or appeal.

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## **Is a lawyer required for a termination of parental rights?**

A lawyer is technically not required, but is often involved, to represent the interests of the petitioner. A person who is petitioning for a TPR has a lot of hurdles to overcome to obtain said legal relief, including the other parent's constitutional rights to parent. The respondent is entitled to an attorney, which may be court appointed, since their constitutional rights are being impacted. Finally, a guardian ad litem/attorney will be appointed to represent the child and their interests.

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