

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

April 16, 2010

MEMORANDUM

<p><u>What's Inside:</u> TPR and Compelling Reasons</p>
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TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: REASONS NOT TO FILE TERMINATION OF PARENTAL RIGHTS (TPR) AND COMPELLING REASONS

DISCUSSION:

The purpose of this memorandum is to clarify the difference between reasons not to terminate parental rights and compelling reasons. According to [Section 211.447, RSMo](#), if a child has been in foster care for at least fifteen of the most recent twenty-two months a TPR petition should be filed unless:

- The child is being cared for by a relative;
- Compelling reasons exist; or
- The Children's Division has not provided reasonable efforts.

Compelling reason(s) are a subset of reasons not to file for TPR. Determinations regarding compelling reasons should be made on a case by case basis. Federal regulations have set out a few examples of compelling reasons:

- There are no legal grounds to file the TPR;
- Adoption is not the appropriate permanency goal for the child;
- The child is an unaccompanied refugee minor; or
- There are international legal obligations or compelling foreign policy reasons that would preclude terminating parental rights.

Federal law requires the Children's Division (CD) to make a determination of whether or not compelling reasons exist and to document those reasons in the permanency plan. As a part of the Child and Family Services Review (CFSR), CD must have a way to document the reason(s) not to terminate parental rights and compelling reasons. In addition, CD must report in the CFSR statewide assessment compelling reasons utilized for not filing for termination of parental rights.

Currently, staff enter compelling reasons on the Family Support Team (FST) Information screen in FACES. When this information is pulled from the FACES system, it is difficult

to get an accurate calculation of the compelling reasons used because not all the entries into the system are appropriate or meet the definition of compelling reasons.

Staff should be sure to clearly document the reasons why TPR was not filed including compelling reasons, if applicable, in the compelling reasons section of the FST Information screen in FACES. Workers should also document the factual information to support the reason(s) not to file for TPR in the case file. For more information regarding compelling reasons including additional examples see [Section 4 Chapter 9.7](#). The Child Welfare Manual has been updated to reflect the changes outlined in this memorandum. The provisions summarized in this memorandum are effective as of today's date.

NECESSARY ACTION:	
<ol style="list-style-type: none"> 1. Review this memorandum with all Children's Division staff. 2. Review revised Child Welfare Manual chapters as indicated below. 3. All questions should be cleared through normal supervisory channels and directed to: 	
PDS CONTACT: Christy Collins (573) 751-9603 Christy.Collins@dss.mo.gov	PROGRAM MANAGER: Dena Driver (573) 751-3171 Dena.Driver@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS: Section 4 Chapter 9.7.3 Criteria for Compelling Reasons Determination for Not Filing TPR	
FORMS AND INSTRUCTIONS N/A	
REFERENCE DOCUMENTS AND RESOURCES N/A	
RELATED STATUTE Public Law 105-89 Section 211.447, RSMo	
ADMINISTRATIVE RULE N/A	
COUNCIL ON ACCREDITATION (COA) STANDARDS N/A	
CHILD AND FAMILY SERVICES REVIEW (CFSR) CFSR, Item 7, Permanency Goal for the Child	
PROTECTIVE FACTORS Parental Resilience-N/A Social Connections-N/A Knowledge of Parenting and Child Development-N/A Concrete Support in Times of Need-N/A Social and Emotional Competence of Children-N/A	

FACES REQUIREMENTS

N/A