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CINA to TPR: Pathway & Thresholds

When reunification fails

OPEN THIS WHEN reunification is failing – who must file for TPR, by when, and the exceptions.

PURPOSE

Quick reference for TPR filing triggers, timelines, and best practice cautions under Maryland law.

I When Must DSS File for TPR?

Trigger	Authority & Notes
Plan Changed to Adoption	Court orders the local department to file a guardianship petition within 30 days (60 days if the department does not support the plan) and schedules a TPR hearing instead of the next 6-month review – FL § 5-525.1(a); CJP § 3-823(g)
15 of 22 Months Rule	Child in out-of-home placement for 15 of most recent 22 months – FL § 5-525.1(b)
Aggravated Circumstances	Court may find reasonable efforts not required due to severe abuse, abandonment, torture, chronic abuse, sexual abuse – CJP § 3-812
Parental Conviction	Parent convicted of crime of violence against child or sibling, or felony assault causing serious bodily injury – FL § 5-323
Prior TPR	Parent's rights to sibling previously terminated involuntarily – FL § 5-323

II Exceptions: When TPR Petition May Be Delayed

FL § 5-525.1(c) – DSS not required to file if:

(1) Child is being cared for by a relative

(2) DSS has documented compelling reason why filing is not in child's best interest

(3) DSS has not provided services necessary for safe return when required by case plan

III TPR Procedural Timeline

Stage	Timeline / Requirement
Petition Filing	When 15/22 threshold met OR compelling reason documented
Show Cause Order	Within 90 days of petition filing – Md. Rule 11-501
Court Ruling	Within 180 days of petition filing – Md. Rule 11-501
Burden of Proof	Clear and convincing evidence – FL § 5-323

IV Best [redacted] Cautions

- Ensure all reasonable efforts or waivers are documented before TPR proceeding.
- Consider impact on sibling relationships and connections.
- Coordinate TPR with permanency planning – avoid conflicting timelines.
- Verify parent received notice and opportunity to be heard.
- For older youth: weigh legal permanency against maintaining family connections.

> **ICWA caution:** if the Indian Child Welfare Act applies, termination requires proof beyond a reasonable doubt, including qualified expert testimony – 25 U.S.C. § 1912(f).

Sources: FL §§ 5-323, 5-525.1; CJP §§ 3-812, 3-823(g); 25 U.S.C. § 1912; Md. Rule 11-501 | Validated January 2026; plan-change trigger and ICWA caution added Aug. 11, 2026 on coordinator authorization. Draft for final faculty confirmation; verify citations reflect current Maryland law before print.