

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

February 28, 1992

This is in response to your request for an advisory opinion from the Judicial Inquiry Commission concerning whether it would be ethical for you to execute a “voluntary consent to termination of parental rights” form in connection with an adoption which is being sought in Wisconsin and in which the natural father does not wish to personally appear.

Under Wisconsin law, the father, in order to waive his presence at the adopting proceedings and consent to the adoption, must execute a “voluntary consent to termination of parental rights” form stating that he has been informed of and understands the consequences of a court order terminating his parental rights, and that he “freely and voluntarily” consents to such a termination. That form must also be executed by a circuit judge in the father’s county of residence certifying that the judge has “questioned the natural father and found that his consent was informed and voluntary before [the judge] accepted the consent.”

The Commission finds nothing unethical in your certification of the father’s voluntary consent to the termination of his parental rights. The fact that the father may later change his mind and involve you in litigation over this matter is not an ethical concern.

The Commission thanks you for your request.

Respectfully,