**Section 307.45 Terminating Parental Rights**

a) When the Department determines at an internal legal screening (as defined in 89 Ill. Adm. Code 309.80 (Termination of Parental Rights)) that adoption is in the best interests of an Indian child and sufficient legal grounds exist for termination of parental rights, the Department shall notify the State's Attorney of the names and addresses of the child's parents or Indian custodian and the child's tribe for purposes of the Juvenile Court proceeding, if these persons or the tribe have not been previously served.

b) The Department shall request the State's Attorney to notify the tribe so the tribe may intervene in a proceeding for the termination of parental rights.

c) To terminate parental rights, the court must find, beyond a reasonable doubt, that the child is likely to suffer serious emotional or physical injury if returned to the custody of his or her parent or Indian custodian. The court's finding shall be based upon the testimony of a qualified expert witness. (See 25 USC 1912(f).)

d) Each party to a proceeding to terminate parental rights that involves an Indian child shall have the right to examine all reports or other documents that the Department may present during the proceedings.

e) When a parent or Indian custodian voluntarily consents to a foster care placement, or when a parent voluntarily consents to termination of his or her parental rights, the consent shall not be valid unless executed in writing and acknowledged before a judge of a court of competent jurisdiction and accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

f) A parent or Indian custodian may withdraw consent to a foster care placement under State law at any time and, upon such withdrawal, the child shall be returned to the parent or Indian custodian when the sole basis of placement was the consent.

g) When a parent of an Indian child has executed a surrender or consent for adoption, the surrender or consent may be withdrawn by the parent for any reason at any time prior to the entry of an order terminating that parent's parental rights or an order of adoption, as the case may be, and the child shall be returned to the parent.

h) After the entry of an order of adoption of an Indian child, the parent may petition the court to vacate the order for adoption on the grounds that his or her consent was obtained through fraud or duress. If the court finds that the consent was obtained through fraud or duress, the court shall vacate the order of adoption and return the child to the parent. No action to void or revoke a consent to or surrender for adoption based on fraud or duress may be commenced after 24 months from the date of the entry of the order for adoption.