

47351. Reinstatement of Parental Rights - Procedures

A. Notification Guidelines Social Worker Responsibilities:

1. The assigned social worker will give verbal notice of the right to petition the court for reinstatement of parental rights, to children who meet the following criteria:
 - a. do not have a court appointed attorney;
 - b. age 12 and older;
 - c. have been legally free for three years;
 - d. have not achieved or will not imminently achieve their permanent plan.
2. Notification priority should be given to those children who meet criteria a, b, c, and d and have an ongoing relationship and/or communication with a biological parent.
3. Verbal notice may occur at a health and safety visit, shared planning meeting if the child is present, or other face to face meeting with the child.
4. The assigned social worker will document the notification in an SER or on the shared planning form.

B. Legal Counsel Guidelines - Social Worker Responsibilities:

The social worker will connect the child with legal counsel upon the child's request to petition the court for reinstatement of parental rights by:

1. Calling the legal counsel already assigned to the case;
2. Requesting legal counsel at the next review hearing; if no hearing is scheduled within a reasonable timeframe make a request for an early review;
3. Following local protocol to acquire legal counsel.

C. Threshold Hearing Notification Social Worker Responsibilities:

1. The social worker will give prior notice of the threshold hearing to:
 - a. The child's former parent whose parental rights are the subject of the petition;
 - b. The child's current foster parent, relative caregiver, guardian or custodian; and
 - c. The child's tribe if applicable.
2. Notification of the parties to the case can be done via personal service or certified mail, or the court may require a certain notification process;
3. If a parent's whereabouts is unknown at the threshold hearing the court will provide guidance as to any further action required.

D. Threshold Hearing - Social Worker Responsibilities:

1. The social worker will request the court order any assessments and/or evaluations needed to evaluate the parent's current fitness and interest in reinstatement. In determining what assessments and/or evaluations may be appropriate the social worker should consider:
 - a. Deficiencies identified in the record of the prior termination proceeding;
 - b. Services that were recommended and not completed in the dependency action;
 - c. Any current concerns;
 - d. Current CAMIS check and BCCU background check;
2. Consult with the AAG regarding recommendations for any assessments and/or evaluations.

E. Merit Hearing Notification - Social Worker Responsibilities:

1. The social worker will give prior notice of the merit hearing to:
 - a. The child's former parent whose parental rights are the subject of the petition;
 - b. The child's current foster parent, relative caregiver, guardian or custodian; and
 - c. The child's tribe if applicable.
 2. Notification of the parties to the case can be done via personal service or certified mail, or the court may require a certain notification process.
- F. Merit Hearing- Social Worker Responsibilities:
1. The social worker will be prepared to show efforts made by the department to achieve permanency, such as:
 - a. Dates child was staffed at Adoption Consortium;
 - b. Child's registration with WARE;
 - c. Child's registry with the North West Adoption Exchange;
 - d. Child's participation in other recruitment projects (i.e. Wednesday's Child);
 - e. Dates of discussion with child in which the child was asked, about in-state and out-of-state placement options (include copies of relevant SERs);
 - f. On-going relative search documentation;
 - g. Dates of discussion with current and past foster parents (include copies of relevant SERs)
 - h. Any other recruitment activities as appropriate; and
 - i. Review of adoptive home studies considered and reasons why family is not being considered (include copies of relevant SERs).
 2. The social worker will complete a reunification assessment and background checks of the parent(s) and any other adults in the home prior and be prepared to make recommendations regarding the following:
 - a. whether reinstatement of parental rights is in the best interest of the child;
 - b. whether reinstatement will present a risk to the health, safety, and welfare of the child, and;
 - c. whether the parent has remedied their parental deficiencies.
 3. The social worker will be prepared to provide documents to support the recommendations which may include:
 - a. Substance Abuse and/or Mental Health treatment report;
 - b. Anger management and/or domestic violence class report;
 - c. Psychological report;
 - d. Physicians report documenting injuries;
 - e. Reunification assessment, licensing action or background checks.
 4. If the court conditionally grants the petition to reinstate parental rights - Social Worker Responsibilities:
 - a. Change the permanency plan in the ISSP and CAMIS to reunification;
 - b. Complete a transition and safety plan and refer family for transitional services;
 - c. Supervise placement for six months (see Trial Return Home policy in CA Practice and Procedures Manual, Section 43051A); and

- d. Conduct monthly social worker visits/health and safety checks in the home, not to exceed 40 days between each visit (see Social Worker Visit policy in CA Practice Procedures Manual, Section 4420).
5. If the court determines the child has been successfully placed back with the parent for a minimum of six (6) months Social Worker Responsibilities:
 - a. Document court decision to dismiss the dependency;
 - b. Close the case.