

Children's Administration Reinstatement of Parental Rights October 2007 – Policy Summary

When is it effective? July 22, 2007, with in-depth training September 2007.

What does it mean to me?

Dependent youth, 12 years and older, (and younger children, with the show of good cause) have the right to petition the court for reinstatement of parental rights if their permanent plan has not achieved or will not be imminently achieved within three years of termination or exhaustion of the appeal process.

What's important to remember?

Notification Guidelines

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

Steps to Reinstatement

- Upon request of the child, the social worker connects the child with legal counsel.
- The social worker *may* schedule a shared planning meeting
- The social worker gives prior notice of the threshold and merit hearings to:
 - the child's former parent whose parental rights are subject to the petition
 - the current caregiver
 - the tribe (if youth is Native American)
- At the threshold hearing, the social worker recommends to the court (based on a review of the case record) that the parent participate in any appropriate assessments and/or evaluations to address the parent's previous parental deficiencies and to assess if reinstatement is in the best interest of the child. In determining appropriate assessments and/or evaluations the social worker considers:

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- deficiencies identified in the record of the prior termination proceeding
- services that were recommended and not completed in the dependency action
- current concerns
- consultation with your AAG regarding recommendations of any assessments and/or evaluations.



- If the case meets the threshold requirements, a merit hearing is held.
- Prior to the merit hearing the social worker will complete a reunification assessment and background checks on the parent(s) and other adults living in the home.
- At the merit hearing the social worker must be prepared to state whether the parent had remedied parental deficiencies and make recommendations on whether reinstatement of parental rights:

- is in the best interest of the child;
- presents a risk to the health safety and/or welfare of the child;

The social worker should also be prepared to provide evidence that supports the recommendations.

- If the court *conditionally* grants the petition reinstating parental rights and places the child in the custody of the parent the social worker:
 - develops a permanent plan of reunification
 - provides transitional services to the family as appropriate
 - supervises the placement for six (6) months following the guidelines of the Trial Return Home Policy (43051A).

Resource tools associated with the policy:

- Reinstatement of Parental Rights Fact Sheet
- Q&A
- Update to Practices and Procedures Policy (Section 4700-47001 – Reinstatement of Parental Rights Policy and Procedures)
- October 2007 CA Web announcement – with supporting documents

