

Children's Administration Reinstatement of Parental Rights Frequently Asked Questions

Q: What criteria does a child need to meet to be able to petition the court for reinstatement of parental rights?

A: 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 imminently achieved within three years of termination or exhaustion of the appeal process.

Q: What if the child is younger than 12 years old?

A: A child younger than age 12 may petition the court for reinstatement of parental rights. The child must be legally free for at least three years; and has not achieved or will not imminently achieve their permanent plan *and* be able to show good cause. The social worker's shall refer them to legal counsel.

Q: What do I tell a child in my verbal notification?

A: That depends on the child, and assigned legal counsel can better speak to the details. The social worker would tell the child that because he/she is over the age of 12 and does not have a completed permanent plan or a plan that will be achieved soon that they can request legal counsel to explore the option of reinstating parental rights.

Q: What children do I notify?

A: The assigned social workers will give verbal notice of their right to petition the court for reinstatement of parental rights, to children who meet the following criteria: 1. does not have a court appointed attorney, 2. age 12 and older; 3. are legally free for a least three years and 4. has not achieved or will not imminently achieve their permanent plan.

Notification priority should be given to those children who meet criteria 1,2, 3 and 4 and have an ongoing relationship and/or communication with a biological parent..

Q: What do I do if a child says he wants to petition the court for reinstatement of parental rights?

A: Connect the child with legal counsel upon the child's request to petition the court for reinstatement of parental rights by: calling the legal counsel already assigned to the case; requesting legal counsel at the next review hearing; if no hearing is scheduled within a reasonable timeframe make a request for an early review; or following local protocol to acquire legal counsel.

Q: What if the child meets the criteria for notification but is placed with a Tribe, BRS or private agency?

A: The assigned CA social worker is responsible for delivering the verbal notification; private agency social workers, BRS or Tribal social workers may be present but should not provide the notification.

Q: Do social workers have an obligation to locate parents whose rights have been terminated?

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A: Social workers do not have an obligation to locate parents whose rights have been terminated, provide notice to such parent or make due diligence efforts to serve such parents until the court orders the department to do so.

Q: What do I do if the parents' whereabouts are unknown?

A: The social worker should consult with the assigned AAG to make a motion to dismiss the petition at the threshold hearing.

Q: How do I give notice to the parties for the threshold and merit hearings?

A: The social worker will give prior notice of the threshold hearing to: the child's former parent whose parental rights are the subject of the petition; the child's current foster parent, relative caregiver, guardian or custodian; and the child's tribe if applicable.

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; If a parent's whereabouts is unknown at the threshold hearing the court will provide guidance as to any further action required.

Q: How do I prepare for the threshold hearing?

A: The social worker will recommend to the court parent participation 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 should consider: deficiencies identified in the record of the prior termination proceeding; services that were recommended and not completed in the dependency action; and any current concerns. Consult with your AAG regarding recommendations of any assessments and/or evaluations to be undertaken.

Q: How do I prepare for the merit hearing?

A: The social worker should be prepared to show efforts made by the department to achieve permanency, such as: dates child was staffed at Adoption Consortium; Child's registration with WARE; Child's registry with the North West Adoption Exchange; Child's participation in other recruitment projects (i.e. Wednesday's Child); 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); On-going relative search documentation Dates of discussion with current and past foster parents (include copies of relevant SERs); Any other recruitment activities as appropriate; and review of adoptive home studies considered and reasons why family is not being considered (include copies of relevant SERs).

The social worker should be prepared to make recommendations regarding the following: whether reinstatement of parental rights is in the best interest of the child; whether reinstatement will present a risk to the health, safety, and welfare of the child, and whether the parent has remedied their parental deficiencies.

Be prepared to provide evidence which supports the recommendations. and consult with AAG

Q: What so I do if the court *conditionally* grants the petition and places the child with the parent for 6 months?

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A: Change the permanency plan in the ISSP and CAMIS to *reunification*; conduct a background check of the parent(s) and any other adults in the home (See [new background check policy for parents prior to child return home]); complete a transition and safety plan and refer the parent(s) and other caregivers for transitional services; supervise placement for six months (see Trail Home Visit policy in CA Practice and Procedures Manual, Section 43051A); and conduct monthly health and safety checks in the home, not to exceed 40 days between each visit (see Social Worker Visit policy in CA Practice and Procedures Manual, Section 4420).