

## AN ACT CONCERNING RESTORATION OF TERMINATED PARENTAL RIGHTS

*Purpose: To allow a child over the age of 14, for who parental rights have been terminated and who has not yet been adopted to petition the juvenile court to restore the rights of the parent. (EFFECTIVE October 1, 2019) (New)*

(a) A child for whom parental rights have been terminated pursuant to section 17a-112 may file a petition in the Superior Court for Juvenile Matters to restore the parental rights of one or both parents provided that (1) the child reached the age of 14, or if the child is the younger sibling of such child, 14 years of age or older, and the younger sibling independently meets the criteria set forth in this section; (2) the child has not been adopted; (3) at least three years have passed since the entering of the order terminating parental rights and (4) an affidavit is filed indicating that the parent whose rights are sought to be restored consents to the filing of the petition.

(b) The petition to restore terminated parental rights shall be filed in the Superior Court for Juvenile Matters where the termination of parental rights was ordered. A preliminary hearing shall be scheduled not more than 20 days from the filing. The child shall provide notice of the hearing date and cause the petition to be served upon (1) the Department of Children and Families; (2) any agency or individual who had been appointed as the child's statutory parent; (3) the respondent or respondents in the termination of parental rights proceeding. If the child is represented by Assigned Counsel from the Division of Public Defender Services, costs of the service shall be paid by the Division of Public Defender Services.

(c) At the preliminary hearing, if the court, by a preponderance of the evidence, determines that (1) the petition is appropriately filed pursuant to subsections (a) and (b) of this section, (2) the parent whose rights are sought to be restored consents to the restoration, and (3) consideration of reinstatement is in the child's best interest; then the court shall (A) order the Department of Children and Families to conduct an investigation to be completed within 90 days of the preliminary hearing, and (B) order a full hearing on the whether the terminated parental rights should be reinstated, which shall be scheduled within 30 days of the filing of the DCF investigation results, absent the agreement of the parties or good cause shown. The investigation shall include: the circumstances of the child, including but not limited to (1) the need for ongoing services from DCF; (2) the child's current placement; and (3) the circumstances of the parent, including a need for ongoing services. The Department shall report to the court its assessment of whether the reinstatement is in the best interest of the child and what services could be provided to support the reinstatement. The child shall be represented by counsel and, if over the age of 12, the child shall have a right to be heard in the Court if the child requests. The court may appoint counsel for the parent or parents if the interests of justice require such appointment. Upon a finding that a parent is unable to afford counsel, the judicial authority may appoint an attorney to provide representation from a list of qualified attorneys provided by the office of Chief Public Defender.

(d) The court shall conditionally grant the petition if it finds by clear and convincing evidence that (1) the child has not been adopted and there is no pending adoption, and (2) reinstatement of parental rights is in the child's best interest.

(e) In determining whether reinstatement is in the child's best interest, the court shall consider, but is not limited to (1) The age and maturity of the child, and the ability of the child to express his or her preference; (2) Whether the parent whose rights are to be reinstated is suitable and worthy and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order; (3) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and (4) if any other material changes in circumstances exist, that may have occurred which warrant the granting of the petition.

(f) If the court conditionally grants the petition, the Department of Children and Families shall continue to be the statutory parent but develop a permanency plan for the child reflecting reunification with the parent seeking reinstatement and shall provide transition services to the family as appropriate including but not limited to a reunification service. The case shall be continued six months to review the family's progress, absent the agreement of the parties or good cause shown. The court may order interim in court reviews as deemed appropriate by the court.

(g) Not later than six months after the conditional order, the court shall hold a hearing to determine if the reinstatement of parental rights should be made permanent. The court may (1) dismiss the Department of Children and Families as the statutory parent and restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child; or (2) extend the conditional reinstatement for up to an additional six months, followed by another hearing; or (3) determine that reinstatement is no longer in the best interest of the child and dismiss the petition.

(h) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child has changed since the time of the termination of parental rights and the reinstatement of the legal parent-child relationship of the child with his or her biological parent or parents is now appropriate.

(i) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.