

REINSTATEMENT OF PARENTAL RIGHTS

QUICK-REFERENCE GUIDE | 24

TIMEFRAME

Reinstatement is available to a child who has not been adopted within three years following the TPR hearing and adoption is no longer the permanent plan. A child may petition before three years if DFCS or the child-placing agency agrees the child is not likely to be adopted.

PURPOSE

To determine, by clear and convincing evidence, whether the parent has rectified the circumstances that led to termination, and whether reinstatement would now serve the child's best interests.

- ▶ Refer to the **At Every Hearing** guide for findings, practices, and considerations that apply across all hearings.

THE PROCESS

If it appears that the child's best interests may be promoted by reinstating parental rights, the court shall order a hearing. Notice must be provided to DFCS, the attorney of record, the GAL/CASA, foster parents, and the former parent(s) whose rights were terminated. Foster parents and former parents are not parties to the hearing. The hearing can proceed in their absence, but they still have the opportunity to be heard.

A child aged 14 or older must generally sign the petition. The petition must be dismissed if the former parent cannot be located or objects to reinstatement.

An order reinstating parental rights reflects the court's recognition that the parent's situation has changed since termination and that reunification is now appropriate.

COURT FINDINGS

The court must determine whether the child is no longer likely to be adopted and whether reinstatement of parental rights is in the child's best interests, considering:

- Whether the parent whose rights were terminated is now fit and has remedied the deficits that led to termination;
 - Whether reinstating parental rights would present a risk to the child's health, welfare, or safety; and
 - The age and maturity of the child and their ability to express a preference;
 - Other material changes in circumstances that warrant granting the petition.
- ▶ See the **Best Interests of the Child** guide for additional best interest factors that may apply.

POSSIBLE OUTCOMES

If the court grants reinstatement, a review hearing must be scheduled within six months. During this period, the court may order the child to immediately be placed in the parent's custody or may order DFCS to provide transition services to the family if a transition period is necessary.

PREPARING FOR THE HEARING

Preparing for this hearing means honestly assessing whether the parent's circumstances have changed enough that reunification is realistic now.

QUESTIONS TO CONSIDER

- Were adoption and permanent guardianship fully explored before reinstatement was considered?
- Does a safe, appropriate relationship currently exist between the child and the parent?
- How has the parent changed since TPR? What is the evidence of that change?
- What supports would the family need if parental rights are restored?



PRACTICE POINTS

- Contact the child to discuss their wishes and share their position with the child's attorney to file the reinstatement petition.
- Contact all appropriate parties, including DFCS, the foster parent, and the former parent to ascertain their position on reinstatement.
- Identify any changes in the parent's and child's circumstances since termination, including housing, stability, sobriety, and mental health.
- Identify any barriers to reinstatement, safety concerns, or transition needs.
- Prepare a report and be ready to testify or give oral recommendations in court, supported by relevant best interest factors.
- If reinstatement is granted, make recommendations specific to transition support and services.

KEY PRACTICE NOTES

SET REALISTIC EXPECTATIONS

If the parent's circumstances have not changed enough to support reinstatement, help the child understand this honestly and compassionately rather than building hope around an unlikely outcome. The CASA volunteer's role includes helping the child process this reality with support.