

PERMANENCY PLANNING

Termination of Parental Rights

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Policy

Termination of parental rights (TPR) will be pursued for children who are unable to be reunified with their legal parents and a transfer of guardianship is not a viable option.

Per C.G.S. sections 45a-707(8) and 17a-93(5), termination of parental rights is the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and the child's legal parent or parents so that the child is free for adoption.

In order to terminate a parent's parental rights, the Department of Children and Families (DCF) is required to prove, by clear and convincing evidence, that:

- DCF has made reasonable efforts to locate both parents
- DCF has made reasonable efforts to reunify the family
- that termination is in the best interest of the child
- grounds for termination exist

Reasonable efforts are not required if the court finds that the parent is unable or unwilling to benefit from reunification efforts. This requirement does not apply if the court, at a prior hearing on DCF's permanency plan or at a trial on the TPR petition, determined that such efforts are not required.

Note: Although TPR Petitions have or will be filed, DCF is still legally required to provide visitation with the child and their legal parents, unless the court has issued an order indicating the visits are no longer required.

If reunification is no longer a viable permanency goal, a legal consult with the Area Office Attorney or Assistant Attorney General (AAG) should be considered.

Cross reference: DCF Policy 6-6, Superior Court for Juvenile Matters

Cross reference: C.G.S. section 17a-112

Grounds for Termination

The grounds to terminate parental rights are as follows:

1. The parent(s) voluntarily and knowingly consent to the TPR. (If parents are consenting, no other grounds are required).
2. The child has been abandoned by the parent(s) in the sense that the parent(s) failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child.
3. A) The child has been found in a prior proceeding to have been neglected, abused or uncared for and the parent(s) has/have failed to achieve the degree of personal rehabilitation that would encourage the belief that within a reasonable time, considering the age and needs of the child the parent(s) could assume a responsible position in the life of the child **or**
B) The child has been neglected, abused or uncared for and has been in the custody of DCF for at least 15 months and the parent(s) have been given specific steps to take to facilitate the return of the child and the parent(s) has/have failed to achieve the degree of personal rehabilitation that would encourage the belief that within a reasonable time, considering the age and needs of the child, the parent(s) could assume a responsible position in the life of the child.

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Grounds for Termination (continued)

4. The child has been denied, by reason of an act or acts by the parent(s) of commission or omission; including but not limited to sexual molestation or exploitation, severe physical abuse or a pattern of abuse, the care, guidance or control necessary for their physical, educational, moral or emotional well-being.
5. There is no ongoing relationship with the parent(s) that ordinarily develops as a result of a parent having met, on a day-to-day basis, the physical, emotional, moral and educational needs of the child and to allow further time for the establishment and reestablishment of the relationship would be detrimental to the best interests of the child.
6. The parent(s) of the child under age 7 who is neglected, abused or uncared for, has failed/is unable or unwilling to achieve the degree of personal rehabilitation that would encourage the belief that within a reasonable period of time, considering the age and needs of the child, such parent(s) could assume a responsible position in the life of the child and the parental rights of another child were previously terminated pursuant to a petition filed by DCF.
7. The parent(s) has killed through a deliberate, non-accidental act another child of the parent or has requested, commanded, attempted, conspired, or solicited such killing or has committed an assault, through a deliberate non-accidental act that resulted in serious bodily injury of another child of the parent.
8. The parent(s) committed an act that constitutes sexual assault or compelling a spouse or cohabiter to engage in sexual intercourse by the use of force or by threat of force, if such act resulted in the conception of the child.

For children who have been placed in out-of-home care for 15 out of the last 22 months, the Adoption and Safe Families Act (ASFA) requires that a petition to terminate parental rights be filed unless the case plan documents a compelling reason why such an action is not in the child's best interests.

Cross reference: C.G.S. section 17a-112

Compelling Reasons Not to File a TPR

There are exceptions to the DCF filing TPR under the following conditions:

- the child is being cared for by a relative
- the state has documented a compelling reason why such filing would not be in the child's best interest
- the state has not made reasonable efforts to reunify the child

The decision whether compelling reasons exist must be decided on a case-by-case basis after considering all the facts and circumstances of the case.

Compelling reasons can include, but are not limited to, the following:

- adoption is not the best permanency plan for the child
- the child has expressed a desire not to pursue TPR and/or adoption
- the child has a significant bond with a non-family member who wishes to serve as a legal guardian
- the parent has made significant measurable progress and continues to make diligent efforts to complete the requirements of the case plan but needs more time to do so, or

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Compelling Reasons Not to File a TPR (continued)

- there are insufficient grounds for filing a TPR petition.

Cross reference: C.G.S. section 17a-112

Adjudication and Disposition

The hearing on a petition to terminate parental rights consists of two phases:

- adjudication
- disposition

In the adjudicatory phase, the court determines whether one of the statutory grounds for TPR exists by clear and convincing evidence. If the trial court determines that a statutory ground for termination exists, it proceeds to the dispositional phase.

In the dispositional phase, the court must determine whether it has established by clear and convincing evidence that the continuation of the respondent's parental rights is not in the best interest of the child.

Best Interest

Except in cases where TPR is based on consent, the court considers and must make findings regarding the following factors:

- the timeliness, nature and extent of services offered, provided and made available to the parent and the child to facilitate reunification
- whether DCF made reasonable efforts to reunite the family
- the extent to which all parties complied with specific steps/court orders
- the feelings and emotional ties of the child
- the age of the child
- the efforts the parents have made to adjust their circumstances, conduct, or conditions for the child to return home in the foreseeable future, including, but not limited to:
 - the extent to which the parent(s) have maintained contact (through visitation and communication) with the child as part of an effort to reunify
 - the maintenance of regular contact or communication with the guardian or other custodian of the child
- the extent to which a parent has been prevented from maintaining a meaningful relationship with the child by the unreasonable act or conduct of the other
- parent of the child, or the unreasonable act of any other person or by the economic circumstances of the parent

Cross reference: C.G.S. section 17a-112

TPR Granted

The court will appoint a guardian or statutory parent after it terminates one or more parents' parental rights. If only one parent's rights are terminated, the remaining parent becomes the sole parent or guardian, unless another disposition is ordered by the court, (i.e. a transfer of guardianship).

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TPR Granted (continued)

In addition, if determined to be in the child's best interest and all parties agree, the judge may make an order establishing post-adoption contact or communication between the child and their birth parents and/or sibling(s).

The parents whose rights have been terminated have 20 days to appeal the decision. The child is legally free for adoption after the appeal period or after the appeal has been concluded by the court confirming the court's decision.

Cross reference: C.G.S. section 17a-112

Reports for whom DCF is the Statutory Parent

Thirty (30) days following a court order terminating parental rights, DCF shall submit a report to the court, which must include the following:

- the circumstances of the termination
- the current situation of the child
- the child's placement history since termination
- the child's adjustment
- DCF's permanency plan for the child
- measurable objectives to achieve permanency
- time schedule for transitioning the child into permanency, and
- reasonable efforts to achieve permanency.

DCF shall file these reports quarterly. DCF must submit a Motion for Review of Permanency Plan (DCF-2240) and study nine months after the date of the last permanency plan order.

For children where DCF has determined that adoption is appropriate, the report on the implementation plan shall include a description of the reasonable efforts DCF has made to promote and expedite the adoptive placement and to finalize the adoption of the child, including documentation of child specific recruitment efforts.

Cross reference: DCF Policy 6-6, Superior Court for Juvenile Matters

Cross reference: C.G.S. section 17a-112
