



Case Practice Model

practice guidance

## **YOUTH/YOUNG ADULT RECONNECTION WITH FAMILY AFTER TPR**

This document has been developed to provide guidance for the Department on reconnecting youth/young adults in the care of the Department who were legally freed for adoption and were not subsequently adopted/guardianed with their family of origin, in particular with their parents. In many of these situations there has not been ongoing contact between the freed child and the birth family, in other cases there may have been some level of contact, either face-to-face or through social networking. The Department should make every effort to be aware of these contacts and to work with the youth/young adult to determine the level of contact that may be in their best interest.

Youth refer to children up to the age of 18. Young Adults refer to person age 18-23. Youth will be used throughout this guidance to refer to persons up to the age of 23.

Case reviews indicate that many young adults between the ages of 18 and 22 return to their birth parents/families when they leave the care of the Department. When a youth has been freed for adoption and despite the Department's best efforts no permanent family has been found, or when a youth appears likely to exit the Department's care and has had no permanent family/connection identified, we should assist the youth in exploring their birth family and kinship network as potential permanent resources. In initiating this exploration, the Department must consider the child's history and current level of functioning. The discussion of the availability of birth family should occur during Foster Care Reviews, Permanency Hearings, action plan renewals, Permanency Planning Conferences and other meetings involving youth who do not have a permanent family identified.

### **Contact with Parent(s) whose Rights have been Terminated**

It is in the best interest of the older youth and the Department to explore the potential of these relationships and to support the youth during this phase of their development. The process of exploring their history is one that most individuals will undertake at some point in the life. It is important to begin the process while the youth has the support and resources of the Department. Supporting youth and families in this process will require developing flexibility, thoughtfulness, and an ability to deal with uncertainty.

The potential outcome of this exploration should be viewed along a continuum that ranges from a determination of no contact as one outcome, all the way to placement with the family at the other end of the continuum, with ample room for case specific variation along the continuum. This does not need to be an all or nothing decision.

The initial steps of indentifying interest and determining what is in the best interest of the youth should be done in a thoughtful and inclusive process. The birth parents may now be a viable family for the youth. It is not expected that every youth who engages in this process will actually reside with the birth parents. There is a wide range of relationships that may be beneficial. In some cases, helping the youth

explore the birth parent may allow their acceptance of the parent's limitations in having a consistent supportive role in their life. This acceptance may be a necessary step in helping the youth establish other positive relationships. In addition, the extended family or adult siblings with whom the youth has also lost contact may be available as a resource and should be carefully considered as potential resources.

The steps below should be followed if a youth has not had contact with their birth parents since TPR:

- 1) The youth's social worker should thoroughly explore any interest or desire the youth has to learn about or reconnect with their birth family.
- 2) The social worker should then review the birth family's past and/or current involvement with the Department. Safety issues, additional parenting experiences, domestic violence, substance abuse, and the ability of the parent to be emotionally supportive of the youth are some of the issues that must be thoroughly considered. If current or previous workers for the family are available, they should be consulted. Legal must be consulted, even if there is no current court activity.
- 3) It may be necessary for the social worker to initiate a search to determine if the birth parents, older siblings, or other members of the birth family are available to participate in any plan that may be developed. Family Finding staff may be involved in this process.
- 4) After gathering the available information, the social worker should consult with their supervisor to assess the appropriateness of contacting the family to explore the level of potential contact with the youth. The social worker and supervisor should develop a proposal for contact between the youth and birth family. This proposal should include the youth's voice, even if the final recommendation cannot support the youth's stated desires.
- 5) The social worker and supervisor will schedule a regional clinical review to review the proposal.
- 6) The regional clinical review should develop a plan and a timeline for implementation. This plan should include the level of intended contact, a plan for how that contact will be initiated with specific tasks that identify how the Department will support the youth and family during this period. This plan should include when and how the youth and birth family will be re-introduced. Support will include, but not be limited to the youth's social worker, the current caretaker, the youth's therapist, and other resources should have specific roles in this process.
- 7) The youth's social worker must meet with the birth family and discuss their willingness to be included in the plan. A family Group Conference may be helpful in facilitating these discussions. If they are agreeable, a BRC should also be considered on the parent(s) or other members of the birth family.
- 8) The family's participation in the plan will be incorporated in the youth's service plan.
- 9) The social worker will arrange for the youth, the parent(s), and/or other members of the birth family to meet with the individuals who have been identified as supports for the youth. This meeting may be a part of other scheduled meetings related to the youth, or it may be scheduled specifically for this purpose.

- 10) If the youth is under the age of 18 and will be visiting the birth family in their home, will be having over-night visits, or intends to reside in that home, the Department will need to determine how the safety of the youth while in that home will be assessed and documented. The process plan for assessment of the family reconnection and home should occur at the clinical review meeting.
- 11) The assessment of the parents would include an update to the parental capacity section of the family assessment or an equivalent assessment of the parents. The assessment does not include a home study that the Department utilizes when licensing a foster/pre-adoptive home as a parent cannot be paid foster care payments or adoption/guardianship subsidy.

## **Options for Reinstating Parental Rights after TPR**

There are several legal options for reinstating parental rights after they have been terminated. These options should only be explored once a youth is living with their parents for at least 6 months and the living situation appears to be stable. These options are only available if the youth is under the age of 18. Once a youth turns 18 the legal effect of a Termination of Parental Rights decree ends. Whatever rights a parent has over a young adult is reinstated. Which option is chosen will depend on the circumstances of the case and what is in the youth's best interest.

### Guardianship

One option to provide some level of parental rights is to have the parent become the child's legal guardian. This gives the parent custody of the youth and the authority to make decisions about where the child lives, the child's education and most medical decisions. However, a court or the case law, may limit the medical decisions a guardian can make. For example, a guardian does not have the authority to consent to an order withholding life sustaining medical treatment. This custody arrangement also requires that an annual report on the youth be filed with the court by the parent.

### Permanent Custody

The law permits a Juvenile Court Judge to give permanent custody of a child solely to one parent. The rights under a permanent custody order would be similar to a guardianship; however the parent would not need to file an annual report with the court on the circumstances of the child.

### Adoption

The most permanent reinstatement of parental rights could only occur through the adoption of the youth by their parent. An adoption gives the parent all the parental rights they had prior to the TPR. This might be appropriate where one parent has remarried and that parent and their spouse want to become the permanent parents to the youth. It may also be appropriate where one parent is and remains unfit, but the other parent is fit and willing to become the sole parent to the youth. Adoption does end any legal requirement of the biological parent who is not adopting to provide any financial support to the youth.

## **If TPR has not occurred**

*An Area Clinical Review Team may be held in place of a PPC that would include a member of the Department's Legal staff.*