



# State of Connecticut

## DIVISION OF PUBLIC DEFENDER SERVICES

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**JUDICIARY COMMITTEE  
MARCH 6, 2019**

**Raised Bill No. 7189  
AN ACT CONCERNING THE RESTORATION OF TERMINATED PARENTAL RIGHTS**

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The Office of the Chief Public Defender (OCPD) **supports** the intent of **RAISED BILL NO. 7189 – AAC THE RESTORATION OF TERMINATED PARENTAL RIGHTS**, which would provide an opportunity for older youth to legally reunite with their biological parents whose parental rights were previously terminated under limited circumstances consistent with the child’s best interests. This bill is aimed at providing timely permanency for older youth who are otherwise likely to age out of the foster care system without ever being adopted by allowing them to safely, legally and planfully reunify with their biological parents. These youth are often referred to as “legal orphans,” and many states have already enacted similar legislation to help provide an option for such youth to reconnect with their birth families in a safe and supportive way before they turn eighteen. (See, “*Reinstating Parental Rights: Another Path to Permanency*,” American Humane Association, Volume 26, No. 1 at pp. 58-74). The

reality is that many of these youth are already reconnecting and seeking to informally reunify with their TPR'd parents but without having any legal option to formalize and support the reconnection. This bill would provide that option only under limited circumstances, which would help to address any unintended consequence of disrupting permanency for children who might otherwise be adopted.

More specifically, as currently written, this bill would only allow a child age fourteen or older (or a sibling of such child if otherwise eligible) to file a petition to restore the terminated parental rights (TPR) of the child's parent(s) if at least 3 years have passed since the TPR was ordered, the child has not yet been adopted, and the parent consents to the restoration of parental rights. In addition, the Department of Children and Families (DCF) would be ordered to conduct an investigation prior to any restoration of parental rights, which investigation would address the child's circumstances, including, but not limited to, (i) the need for ongoing services from DCF; (ii) the child's current placement; and (iii) the circumstances of the parent, including any need for ongoing services. Also, in determining whether reinstatement is in the child's best interest, the court would be required to consider, among other things: (1) the age and maturity of the child, and the child's ability to express his/her wishes; (2) whether the parent whose rights are to be reinstated is suitable and worthy and has remedied the deficits that gave rise to the TPR; (3) whether reinstatement of parental rights will present a risk to the child's health, welfare or safety; and (4) any other material changes in circumstance which warrant granting the petition.

Moreover, the bill sets forth a process for *conditionally* granting the petition on a temporary basis so that DCF can provide transition services to the child and family, if necessary, to support the reunification. There would be at least one hearing after 6-months for the court to review the family's progress and more frequent interim hearings as deemed appropriate by the court. Following this 6-month monitoring period, the court can make the reinstatement permanent, extend the conditional reinstatement for an additional 6 months followed by another hearing or find that reinstatement is no longer in the best interest of the child and dismiss the petition. The child would be represented by an attorney paid by OCPD, and the court would also be authorized to appoint an attorney for the parent if the interests of justice so require. If the parent is indigent, such representation would also be provided by OCPD.

While there are other provisions in the general statutes that permit DCF to petition for revocation of commitment of a TPRd child, the granting of such a petition does not reinstate parental

rights nor does it otherwise create or allow for transition services by DCF. Moreover, the *child* is not authorized to initiate such revocation under existing law. DCF is the only eligible petitioner. *See*, CGS Sec. 17a-112m.

As this Committee is aware, the OCPD oversees the contracted Assigned Counsel who represent both parents and children in child protection proceedings and often times taking a policy position on legislation that might favor our parent clients might not necessarily promote the best interests of our child clients. Here, there is an opportunity to support a goal that promotes the interests of both parents and their children by creating a safe framework for reconnecting families and reunifying children who might otherwise never achieve permanency. While it would be wonderful if all children who have been freed for adoption following a TPR were actually adopted in a timely manner as planned, that is too often not the case, particularly for older children. And, these youth who end up aging out of foster care at the age of 18 are often seeking out their biological families at that time (or earlier) without formal assistance or support. The OCPD does have some concerns about the eligibility criteria, fiscal impact and legal process in the existing language but would be happy to work with this Committee and other stakeholders to address these issues with amended language in the event the bill moves forward.

The OCPD sincerely appreciates this Committee's interest in empowering youth and promoting their safety, permanency and well-being and looks forward to working with you to promote these goals.