# POLICY VIII-F: Resumption of Services Post-Termination and Reinstatement of Parental Rights

03/2018

**OVERVIEW**

**Given that behavior change and the work of change is a part of the child welfare system's daily challenge, the Division recognizes that there may be parents who previously had their parental rights terminated, but at a later point in time significantly alter the life circumstances that contributed to the removal of their children and the subsequent termination. These parents may qualify for resumption of services as described in the policy below. Based on the outcome of the resumption of services, the court may then consider reinstatement of parental rights. Resumption of services and a subsequent reinstatement of parental rights may provide additional permanency options for children in foster care, particularly for youth who have been in the foster care system for an extended period of time without finding a permanent family.**

**INITIAL ELIGIBILITY**

**The Department of Human Services, Division of Children and Family Services (DCFS) or an attorney ad litem may file a motion to resume services for a parent whose parental rights were previously terminated. Resumption of services may be considered if the child:**

- **A. Does not have a legal parent;**
- **B. Is not in an adoptive placement, pre-adoptive placement, or under another permanent placement and there is some evidence that the child is not likely to achieve permanency within a reasonable period of time as viewed from the child's perspective; or,**
- **C. Was previously adopted, appointed a permanent guardian, or placed in the permanent custody of another individual and the adoption, guardianship, or custodial placement was disrupted or otherwise dissolved.**

**In addition, at least three years must have passed between the date the order terminating parental rights was entered and the date a motion to resume services on behalf of that parent is filed. It must also be determined that the parent in no way interfered with the child's ability to achieve permanency prior to the consideration of resumption of services.**

**ASSESSMENT**

**If all of the criteria above are met, the agency must then assess whether the parent and child are appropriate candidates for resumption of services before DCFS requests to file a motion to resume services. This will be determined, at a minimum, through:**

- **A. An initial walk-through of the parent's home to identify any safety factors or risk concerns;**
- **B. Discussions with the parent, child, parties to the case, and relevant stakeholders (e.g., child's therapist, child's teacher, etc.); and,**
- **C. The completion of a home study.**

**The home study will include background checks to identify current issues and differentiate between current maltreatment and criminal issues versus issues occurring prior to the termination of parental rights.**

**Through the assessment above, it must be determined that the parent is appropriate at the time of filing the motion for resumption of services. DCFS Area Director approval must be obtained prior to moving forward with a petition for resumption of services.**

**When determining whether to grant or deny a motion to resume services, the court will consider:**

- **A. Efforts made by DCFS to achieve adoption or other permanent placement for the child, including any barriers preventing permanency from being achieved;**
- **B. Current status of the parent, including the extent to which the parent has remedied any conditions that led to the termination of parental rights (TPR);**
- **C. Willingness of the parent to participate in services offered; and,**

D. **The child's wishes regarding resumption of contact, visitation, or placement with the parent.**

**RESUMPTION OF SERVICES**

**If an order granting a motion for resumption of services is entered, a staffing will be held within 30 days. An updated Child and Adolescent Needs and Strengths (CANS) assessment and corresponding case plan will also be developed within 30 days. Extensive services or supports should not be required to establish parental fitness. Rather, services and supports offered through a case plan for resumption of services will be designed to help facilitate the re-establishment of the parent-child bond. Examples may include regular visitation and family counseling. Such services and supports will be put in place through the case plan in an effort to work toward a reinstatement of parental rights, if appropriate, and, ultimately, a stable and permanent reunification.**

**If multiple counties have been involved over the life of a case that is deemed appropriate for resumption of services, the applicable DCFS Area Directors will collaborate to determine which county will serve as primary regarding the development, execution, and oversight of the case plan.**

**A parent will not be named as a party to a motion filed for resumption of services, but the parent will have the right to be heard at a hearing on the motion. The court may order the parent to pay for some or all of the costs associated with the court-ordered family services.**

**REINSTATEMENT OF PARENTAL RIGHTS**

**Based on the outcome of the resumption of services, the court may then consider reinstatement of parental rights, as appropriate. Services to the family must continue for at least 180 days before DHS or an attorney ad litem may file a petition to reinstate parental rights. A petition to reinstate parental rights will be filed in the circuit court that had jurisdiction over the petition to terminate parental rights. Parental rights may be reinstated if the court finds by clear and convincing evidence that:**

A. **Reinstatement of parental rights is in the best interest of the child; and,**
B. **There has been a material change in circumstance for the parent since TPR.**

**If parental rights are reinstated, the case will remain open until the child has resided with the parent for at least six months.**

**An order reinstating parental rights restores all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including custody, control, and support of the child. However, an order reinstating parental rights does not vacate or affect the validity of a previous order terminating parental rights.**

## PROCEDURE VIII-F1: Resumption of Services Post-Termination

03/2018

The Family Service Worker will:

A. Determine if the juvenile qualifies for a motion for resumption of services (see Initial Eligibility above).
B. Contact the parent who is the subject of the motion for resumption of services and determine if the parent is fit by:
    1) Conducting a walk-through of the family home and identifying any safety factors or risk concerns;
    2) Discussing the motion for resumption of services and determine if the parent is willing to participate in the resumption of services;
        a) Detail for the parent the financial and logistical implications for the parent if the parent agrees to a motion for resumption of services.
    3) Identifying any evidence that the parent engaged in conduct that interfered with the child's ability to achieve permanency;
    4) Identifying any barriers to placement of the juvenile in the parent's home and determining if the barriers may be remedied with limited assistance from the Department;

5) Determining whether the parent has remedied the conditions that existed at the time of the termination of his or her parental rights.

C. Consult with County Supervisory staff and Area Director to obtain DCFS position on appropriateness of resumption of services based on information gathered.
   1) Area Director approval must be obtained in writing prior to moving forward with a petition for resumption of services.

D. Complete a home study on the parent who is the subject of the motion for resumption of services.

E. Provide the completed home study to OCC and request that the attorney take action to file a motion for resumption of services.

F. Upon receipt of a written order to resume services to the parent:
   1) Update the CANS assessment with input from the family, parties to the case, and other stakeholders;
   2) Develop a case plan with input from the family, parties to the case, and other stakeholders;
   3) Hold a staffing within thirty (30) days of the date on which the order granting a motion for resumption of services is entered to review the CANS and case plan and discuss other relevant information related to the resumption of services;
   4) Complete visits to the parent's home as outlined in POLICY VII-J until parental rights have been re-established or the resumption of services has been dismissed by the court and the juvenile has returned to a licensed out-of-home placement;
   5) Complete a court report and provide to all parties seven (7) business days prior to each hearing;
   6) Attend review hearings every ninety (90) days until the court has closed the court case.
   7) Monitor the case for a minimum of six (6) months prior to recommending reinstatement of parental rights.

The FSW Supervisor will:

A. Participate in internal staffing with FSW and Area Director to determine if a motion to resume services is in the juvenile's best interest based on information presented during the staffing.

B. Ensure all DCFS court reports demonstrate best interest for the juvenile.

The Area Director will:

A. Participate in internal staffing with FSW and FSW Supervisor to determine if a motion to resume services is in the juvenile's best interest based on information presented during the staffing.

B. Provide a best interest determination in writing upon conclusion of the staffing.

## PROCEDURE VIII-F2: Reinstatement of Parental Rights

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The Family Service Worker will:

A. Seven (7) business days prior to any hearing on the motion, provide the parent, parent's counsel, attorney ad litem, court-appointed special advocate, and any other parent to the petition with a written report that includes:
   1) The efforts made by the Department to achieve adoption or another permanent placement for the child, including any barriers to the adoption or permanent placement of the child;
   2) The extent to which the parent who is the subject of the petition has complied with the case plan and order of the court as of the date on which services were ordered to be resumed;
   3) The impact of the resumed services on the parent and on the health, safety, and well-being of the child; and,
   4) Recommendations of the Department.

B. Monitor the family for at least six (6) months after a reinstatement of parental rights has been granted to ensure a successful reunification.

The FSW Supervisor will:

A. Ensure DCFS maintains consistent contact with the family while the juvenile is placed in the parent's home.
B. Ensure all DCFS court reports are provide to the parties timely and demonstrate best interest for the juvenile.

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