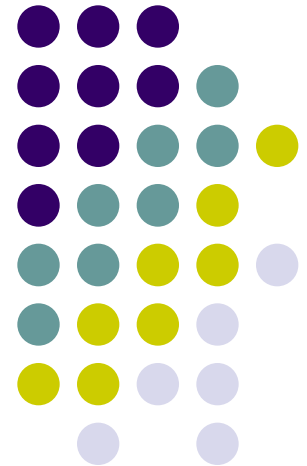


NRCPPFC Teleconference/Webinar: Reinstating Parental Rights for Youth in Care

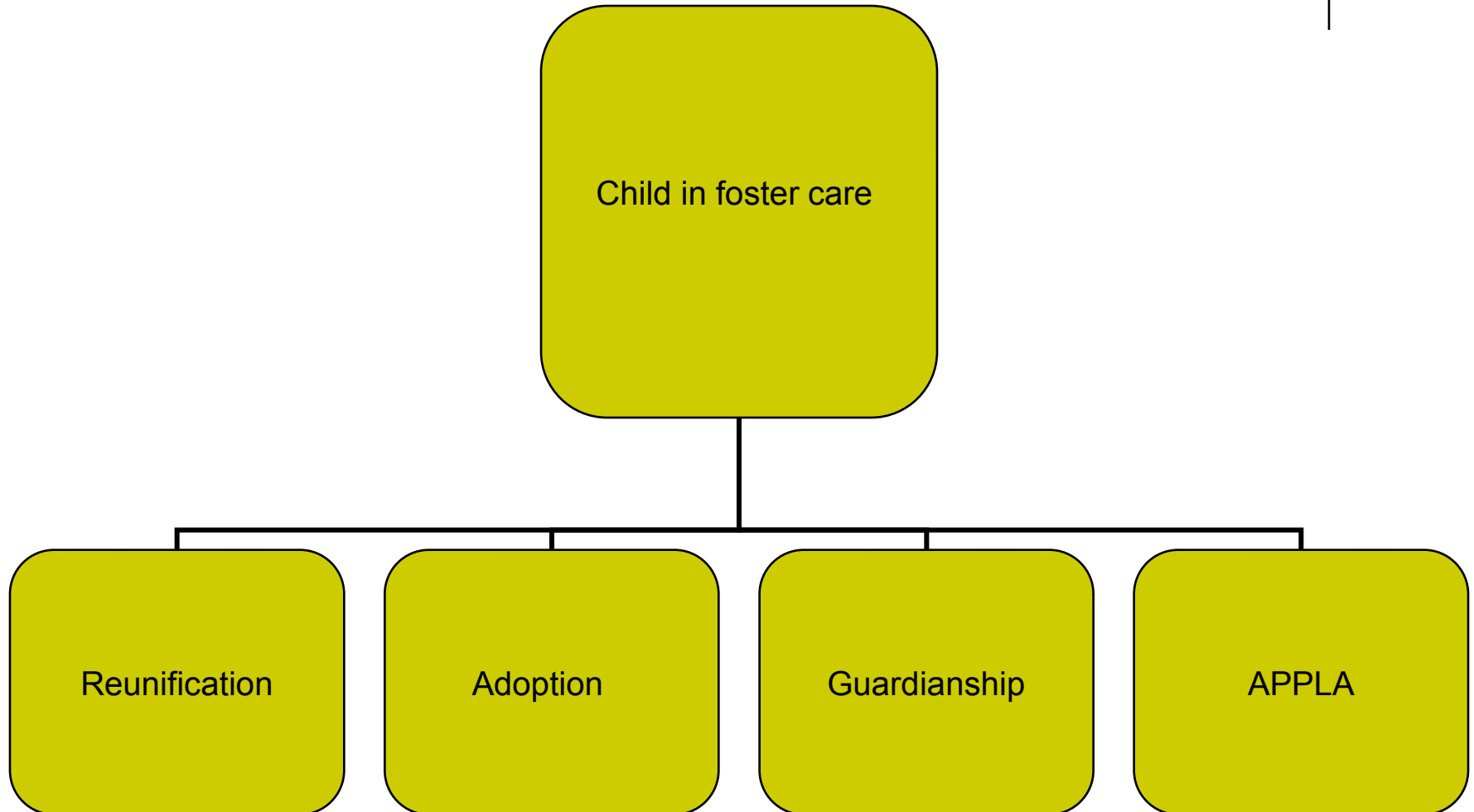
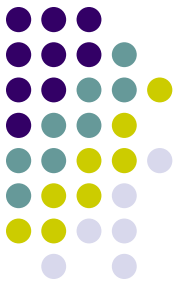
Monday, April 11, 2011

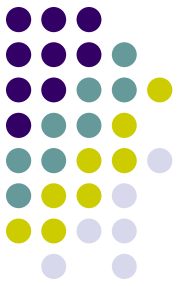
Karen Sabo
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Permanency Options





Number of Legal Orphans

- 1997: 5,790 created
- 1999: 24,219 created
- 2005: 117,395 created

- 1999: Between 40,000 and 80,000 nationwide

- 2009: 114,556 children waiting for adoption

Legal Orphans



- Social and emotional consequences of losing parents
- Forfeiture of continued financial assistance
- Homelessness
- Criminal involvement and incarceration
- Mental and physical health
- Inability to access education
- Reliance on public assistance

Reinstating Parental Rights



Reinstating Parental Rights for Youth in Care

Reinstatement Statute

Adoption Petition

Custody/Guardianship Petition

Presumed Parentage Statute

Writ of Habeas Corpus

Modify/Vacate Termination Order

Parens Patriae



Reinstatement Statutes

ENACTED

- 1965: Hawaii
- 2005: California
- 2007: Nevada
- 2008: Washington
- 2008: Louisiana
- 2009: Oklahoma
- 2009: Illinois
- 2010: New York

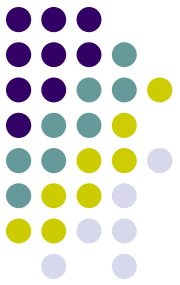
PROPOSED *(NOT ENACTED)*

- 2009: Georgia
- 2009: Minnesota

Comparison of State Statutes



- Timing of Motion or Petition
- Who can file Motion or Petition
- Duties and Authority of the Child Welfare Agency
- Standard of Evidence for Reinstatement
- Required Court Findings and Duties/Authorities of Court



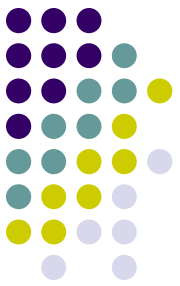
Other Individual Efforts

- Adoption petition
- Custody/Guardianship petition
- Presumed parent
- Writ of habeas corpus
- Modifying or vacating termination order
- *Parens patriae* authority of the court

Where do we go from here?



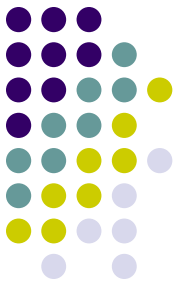
- Policy considerations
- Re-thinking proceedings to terminate parental rights
- Working with local child welfare/social services agency to establish policies and guidelines
- “Spreading the word” to stakeholders (parents, youth, attorneys, social workers, judges)



Additional Resources

- Resurrecting Parents of Legal Orphans: Un-Terminating Parental Rights
http://www.student.virginia.edu/vjspl/PDFs/17.2_taylor_parents_of_legal_orphans.pdf
- NCSL Reinstatement of Parental Rights Fact Sheet
<http://www.ncsl.org/default.aspx?tabid=21770>
- Reinstatement of Parental Rights: An Important Step Toward Solving the Problem of Legal Orphans
<http://childwelfare.net/activities/legislative2009/CarterWidnerReinstatingParentalRights.pdf>
- Restoring Parental Rights: Giving Legal Orphans a Chance at a Family
http://www.clcla.org/Images/pdfs/pdfs_whatsnew_columns/RestParentRights.pdf

Contact Information



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