

Legal Status and Representation

Knowing Their Legal Status

It is important that licensed caregivers know the legal status of children entrusted to their care. The type of legal status determines what rights the Department of Children and Families (DCF) has and what rights the parents retain. Each child entrusted to DCF is appointed an attorney by the Superior Court for Juvenile Matters to oversee their legal status.

Types of Legal Status are:

- **An Administrative Hold (96-Hour Hold)**
- **Order of Temporary Custody (OTC)** In serious physical abuse or neglect or in immediate physical danger, DCF can seek a court order of temporary custody to keep the child out of his home. A hearing on the order is supposed to be held within 10 days to “show cause”. The standard for the court to issue an OTC is reasonable cause to find that the child’s condition or circumstances surrounding his care require that his custody be immediately assumed to safeguard his welfare.
- **Commitment** Upon the court finding and adjudging that any child is uncared for, neglected or abused, the court may commit such child to the Commissioner of Children and Families, and such commitment shall remain in effect until further order of the court.
- **Termination of Parental Rights (TPR)** The court issued an order to sever the legal parental relationship between a minor child and one or both of their parents. The court transfers all parental responsibility to the Commissioner of the Department.

Legal Representation for Children

Attorney for the Minor Child (AMC)

The AMC represents the interests of the children. AMCs are assigned by the Commission on Child Protection/Chief Public Defender’s Office. **860-566-1341**

AMCs are Expected to:

- Interview and/or observe the children quarterly or before court.
- Visit very young children at at least twice a quarter, and every time a child changes placement.
- At a minimum, counsel shall meet or consult with a child at least once each quarter. These meetings should occur where a child lives or in a comfortable setting.
- Counsel should also meet with children age 16 to begin planning for transition and should meet with the client regularly to ensure that proper services are provided for successful transition from DCF care.

AMC contact information is provided to the caregiver by DCF. The information may also be found in the updated **DCF469-Child Placement Packet**. AMCs are invited to Administrative Case Reviews (ACR), planning meetings and provider meetings, and they sometimes can assist with educational matters.

Guardian Ad Litem (GAL)

While the AMC represents the child’s legal interests, the GAL ensures the child’s best interests are represented in areas other than legal matters.

Legal Representation for Parents and for DCF

Parents can retain their own attorney, or they will be appointed an attorney if they meet financial guidelines. The Department of Children and Families is represented by an Assistant Attorney General.

Other Resources



Overview of Child Welfare Legal Process - CAFAF Module 59
CT Child Welfare Attorney’s speak on the legal process



qpi4kids.org
QPI: Power in Partnership



Reasonable and Prudent Parent Standard Online Training
This law & policy directly impacts your daily living as the Licensed Caregiver



Attorney Performance



An Act Concerning a Notification of Support for Foster Parents and Relative Caregivers



Foster Parents & Juvenile Court Handbook



Child Bill of Rights Expectations



Connecticut General Statutes 46b-129(p)



Q&A for Parents: Working with Child Protection



Administrative Hearing Policy



Special Education/Surrogate Parent Program Procedures



Relatives Motion to Intervene
Intervention Request Form



CAFAF Open Adoption Agreement



DFC Policy/Forms



Foster Adopt Manual



Caregivers Legal Resource



Department of Children and Families | CTFosters.com



Court Participation

Quality Parenting Initiative (QPI)

QPI promotes excellent parenting by fostering meaningful and positive relationships between everyone involved in a child's life. When you genuinely reach out to a child's parent to involve them in the day-to-day life of their child, you are laying the foundation to establishes trust and sets the building blocks for a strong relationship. Along with mutual respect, there is an exchange of stories, supports and information like events, challenges, appointments, meetings and court dates.

Power in Partnership

According to Connecticut General Statutes Section § 46b-129(p) & Federal law 42 USCA §675(5)(G), the caregiver shall receive notice of Superior Court Juvenile Matters involving a child entrusted to their care. The caregiver has the right to receive notification and be heard at a hearing. A caregiver is heard, not to be made a party of the court hearing.

A DCF Caregiver entrusted with children in care shall have the right to be heard and comment on the best interests of children in any proceeding which is brought not more than one year after the last day the DCF caregiver provided such care. DCF shall notify caregivers of court dates.

If you Choose to Attend a Hearing:

- Arrive early to navigate parking and security.
- Check-in with the Court's Clerk using the name of the proceeding.
- Ask the Clerk to notify the Judicial Marshal and Court Services Officer that you would like to be heard in court.
- Enter the court room. Once the judge sits, everyone introduces themselves and the judge determines if the caregiver can remain. Admission to the proceeding is at the judge's discretion.

Administrative Hearings

DCF's Administrative Hearing Unit provides a neutral forum for fair and independent resolution of contested matters which can include removal, substantiations, placement, licensing, case plans and subsidy matters.

Should you have a concern in one of those matters, first raise your concern with the Child Protective Services (CPS) social worker or your assigned Foster Care Division (FCD) support social worker. The team or you can elevate your concern to the area office management and Office Director. You can also request a providers meeting which can consist of the child's CPS team, the FCD team, the Connecticut Alliance for Foster and Adoptive Families (CAFAF) Liaison and service providers. In the event the issue, after escalation to the Area Office Director remains without a resolution, you may consider a request for an Administrative Hearing.

Exceptions

Removal hearings shall be denied when the child entrusted to a licensed caregiver is moved for the purpose of reunification with parents, or placement with a licensed or approved kinship caregivers, legal guardian, pre-adoptive caregivers, or as identified in a court approved permanency plan.



Things to Know:

- A hearings request must be made to the Administrative Hearing Unit within fifteen (15) days of notice of the action. Request must be sent by email to DCF.AHU@ct.gov.
- Hearings are scheduled within thirty (30) days of the receipt of the request.
- Hearings are conducted by the Department's Legal Division Hearing Officers.
- You may be represented by legal counsel, at your own expense.
- You can invite one person for support.
- If you disagree with the Hearing Officer's decision, you have the right to ask the Department for reconsideration. You also have the right to request an appeal through the Superior Court without asking the Department to reconsider.

Relatives Motion to Intervene

Any person related by blood or marriage who seeks to obtain temporary custody or guardianship or seeks to be made a party of the case may file a Motion to Intervene at Superior Court for Juvenile Matters. Any person related by blood or marriage granted intervenor status shall not be entitled to court-appointed counsel or representation from the Commission on Child Protection/Chief Public Defender's Office, except as provided in section [CGS § 46b-136](#).

Termination of Parental Rights (TPR) and Appeal

TPR means the Superior Court for Juvenile Matters issued an order to sever the legal parental relationship between a minor child and one or both of their parents. The court transfers all parental responsibility to the Commissioner of the Department. The Department is the statutory parent and the child is eligible for adoption. [CGS § 17a-93\(5\)](#).

The child's parents have the right to appeal the court decision. The parent must file their request for appeal within twenty (20) days of notification of the TPR disposition.

Adoption vs Guardianship

Adoption

Adoption means a court order has created a legal parental relationship between a parent and child.

Guardianship

Guardianship means the parents' rights have not been completely severed. The obligation of care or control and authority to make major decisions, affecting children's welfare, which the child cannot make on their own, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric, or surgical treatment is transferred to the guardian appointed by the order of the court.



Open Adoption

An adoption is open when the adoptive and birth parents (and other relatives) maintain a relationship for the benefit of children. The relationship is child-centered and ensures children will not lose familial connection.

Things to Know:

- Connecticut Alliance for Foster and Adoptive Families (CAFAF) offers open adoption orientation. It can be found on their website, Course 60: Understanding Post Adoption Agreements.
- CAFAF maintains a list of attorneys who specialize in open adoption agreements. They are available for consultation or to prepare and execute an open adoption agreement.
- Contact the child's CPS social worker or FCD support social worker to initiate a referral for the CAFAF Open Adoption Attorney service.
- Your CAFAF Liaison is available to answer questions and help navigate the process. Contact at cafafct.org/liaison.
- The Adoption Assistance Program is available to answer questions and serves both pre-adoptive, adoptive and guardianship families. They offer post adoption/guardianship support services which include assessment, education, brief counseling, and referral services.

[See the Foster Adopt Manual for More Information](#)

