

Margaret A. Burt, Esq.

PERMANENCY ALTERNATIVES TO TERMINATION OF PARENTAL RIGHTS

If a child in foster care is not going to be returning home - what are the alternatives?

The answer often - traditional termination of parental rights procedures with goal of adoption

- final, safe, permanent
- often would include a subsidy for child
- not enough to simply be the right thing for the child law mandates that it can only happen with good casework, good legal work on part of agency
- can take years, more if agency and/or court allow suspended judgements or if appeals occur
- if child is close to or over 14 and does not want to be adopted - this option may not make sense

Are there other alternatives?

1. Traditional surrender by parents with goal of adoption

- final, safe, permanent
- often would include a subsidy for child
- could be quicker than TPR, although may take a long time for parent to come to decision, no appeal
- can't be mandated or required of parent
- if child is close to or over 14 and does not want to be adopted - this option may not make sense

2. Surrender by parents with conditions -- adoption within the conditions

- safe, permanent
- may be shorter than TPR process, may take awhile to negotiate conditions, no appeal
- lingering questions on finality
- often would include a subsidy for child
- if child is close to or over 14 and does not want to be adopted - this option may not make sense

3. **Court ordered custody**

- ends agency's custody of child which may have good and bad points
- ends agency monetary support of child
- not permanent and custodian will have to deal with that themselves
- parent might be more willing to agree to this alternative than others so may be

quicker

- allows parent to be able to maintain relationship and even obtain child back
- very easy to do if parent is in agreement, hard if parent is opposed

4. **Court ordered guardianship**

- same advantages and disadvantages as custody plus often viewed by others as "more permanent" than custody
- can take a little longer than custody to get court order as requires a check of SCR

5. **Subsidized Guardianship**

- same advantages and disadvantages as custody plus provides a subsidy
- DSS/ACS must agree to this and person must be child's foster parent and also related to the child

6. **Independent living/APPLA**

- really means growing up in foster care
- can be considered when none of above are viable
- child would continue to receive agency assistance and subsidy
- child would be assisted to learn to live as productive adult

7. **Adult custodial care situations**

- really means growing up in foster care
- can be considered when none of above are viable
- child would continue to receive agency assistance and subsidy
- agency would help child transition into an appropriate adult placement