

2017 Edition

Termination of Parental Rights (TPR)

A Guide to Resources in the Law Library

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This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar.
The online versions are for informational purposes only.

See Also:

- [Adoption in Connecticut](#)
- [Best Interest of the Child Standard in Connecticut](#)
- [Child Abuse And Neglect in Connecticut](#)
- [Child Custody in Connecticut](#)
- [Child Support in Connecticut](#)
- [Guardianship in Connecticut](#)

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<http://www.jud.ct.gov/policies.htm>

Introduction

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- **Termination of parental rights:** “means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between child and his parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of the child or the religious affiliation of the child.” Conn. Gen. Stat. §§ [45a-707](#)(8), [17a-93](#)(5) (2017).
- “It is, accordingly, a most serious and sensitive judicial action.... Although the severance of the parent-child relationship may be required under some circumstances, the United States Supreme Court has repeatedly held that the interest of parents in their children is a fundamental constitutional right that undeniably warrants deference and, absent a powerful countervailing interest, protection. *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972); see also *In re Juvenile Appeal* (83-CD), 189 Conn. 276, 295, 455 A.2d 1313 (1983) (noting that it is both a fundamental right and the policy of this state to maintain the integrity of the family).” [In re Carla C.](#), 167 Conn. App. 248, 263-264, 143 A.3d 677 (2016).
- “In order to terminate a parent's parental rights under § 17a-112, the petitioner is required to prove, by clear and convincing evidence, that: (1) the department has made reasonable efforts to reunify the family; General Statutes § 17a-112 (j) (1); (2) termination is in the best interest of the child; General Statutes § 17a-112 (j) (2); and (3) there exists any one of the seven grounds for termination delineated in § 17a-112 (j) (3).’ (Footnote omitted.) *In re Samantha C.*, 268 Conn. 614, 628, 847 A.2d 883 (2004).” [In re Savannah Y.](#), 172 Conn. App. 266, 271-272, 158 A.3d 864 (2017).
- **Adoption and termination of parental rights:** “[I]t is clear that adoption cannot proceed unless the parents’ rights are terminated in the first instance. The converse is not true. The parents’ rights can be terminated without an ensuing adoption [T]here are circumstances wherein termination of a parent’s rights is not followed by adoption.” [In re Theresa S.](#), 196 Conn. 18, 30-31, 491 A.2d 355 (1986).

Section 1: Rights of Parents

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- "The fundamental liberty interest of natural parents in the care, custody, and management of their children does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life. If anything, persons faced with forced dissolution of their parental rights have a more critical need for procedural protections than do those resisting state intervention in to ongoing family affairs." [Santorsky v. Kramer](#), 455 U.S. 745, 753, 102 S.Ct. 1388, 71 L.Ed 2d 599 (1982).
- "When the State moves to destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures." [Santorsky v. Kramer](#), 455 U.S. 745, 753-754, 102 S.Ct. 1388, 71 L.Ed 2d 599 (1982).
- "[W]e recognize that 'the right of parents qua parents to the custody of their children is an important principle that has constitutional dimensions,' a principle echoed and illuminated in recent years by decisions of the United States Supreme Court and of this court." [In Re Juvenile Appeal \(Docket No. 10155\)](#), 187 Conn. 431, 435, 446 A.2d 808 (1982).
- "Termination of parental rights is a judicial matter of exceptional gravity and sensitivity. *Anonymous v. Norton*, 168 Conn. 421, 430, 362 A.2d 532 (1975). Termination of parental rights is the ultimate interference by the state in the parent-child relationship and, although such judicial action may be required under certain circumstances, the natural rights of the parents in their children 'undeniably warrants deference and, absent a powerful countervailing interest, protection.' *Stanley v. Illinois*, 405 U.S. 645, 651 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972); *In re Juvenile Appeal (Anonymous)*, 177 Conn. 648, 671 420 A.2d 875 (1979)." [In Re Emmanuel M.](#), 43 Conn. Supp. 108, 112, 648 A.2d 904 (1993).
- "The right of a parent to raise his or her children has been recognized as a basic constitutional right. *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). Accordingly, a parent has a right to due process under the fourteenth amendment to the United States constitution when a state seeks to terminate the relationship between parent and child. See *Lassiter v. Dept. of Social Services*, 452 U.S. 18, 27, 101 S.Ct. 2153, 68 L.Ed.2d 640 (1981)." [In re Yasiel R.](#), 317 Conn. 773, 782, 120 A.3d 1188, 1194 reconsideration denied sub nom. [In re Yasiel R.](#), 319 Conn. 921, 126 A.3d 1086 (2015).

Section 1a: Rights of Parents in TPR

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to the rights in general of parents and foster parents in termination of parental rights cases in Connecticut.

DEFINITIONS:

- **Fourteenth Amendment** to the U.S. Constitution: "...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."
- **Due Process:** "In determining what procedural safeguards are required by the federal due process clause when the state seeks to terminate the parent-child relationship, the United States Supreme Court has utilized the balancing test set forth in *Mathews v. Eldridge*, supra, 424 U.S. at 335, 96 S.Ct. 893. To determine whether due process requires a canvass in this context, Mathews directs us to consider and weigh three factors: '[f]irst, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the [g]overnment's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute requirement would entail.'" [In re Yasiel R.](#), 317 Conn. 773, 782, 120 A.3d 1188, 1194 reconsideration denied sub nom. *In re Yashel R.*, 319 Conn. 921, 126 A.3d 1086 (2015).
- **Equal protection of the laws:** "The guaranty of equal protection of the laws ensures that the laws apply alike to all in the same situation, or that similar treatment is afforded to those in similar circumstances." [In re Nicolina T.](#), 9 Conn. App. 598, 606 (1987).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2017).
 - [Chapter 319a](#). Child welfare
 - [§ 17a-112](#). Termination of parental rights of child committed to commissioner.
 - [Chapter 803](#). Termination of parental rights and adoption
 - [§ 45a-708](#). Guardian ad litem for minor or incompetent parent
 - [§ 45a-715](#). (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*). Petition to terminate parental rights. Cooperative postadoption agreements.
 - [§ 45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.
 - [§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing,

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#). Probate Court rules are [available](#) on the CT Probate Court website.

- Investigation and report. Grounds for termination.
[§ 45a-719](#). Reopening judgment terminating parental rights. Best interest of child. Final decree of adoption
- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Background: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)
- Conn. Practice Book (2017)
[Chapter 32a](#). Rights of parties neglected, uncared for and dependent children and termination of parental rights
 - § 32a-1. Right to counsel and to remain silent
 - § 32a-2. Hearing procedure; Subpoenas
 - § 32a-3. Standards of proof
 - § 32a-4. Child or youth witness
 - § 32a-5. Consultation with child or youth
 - § 32a-6. Interpreter
 - § 32a-7. Records
 - § 32a-8. Use of confidential alcohol and drug abuse treatment records as evidence
 - § 32a-9. Competency of parent
- [Connecticut Probate Court Rules of Procedure](#) (2017)
Rule 40. Children's Matters: General Provisions
Section 40.20. Court to advise parent of rights in proceeding to terminate parental rights or appoint permanent guardian

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Elijah C.](#), 326 Conn. 480, 508-509, 165 A.3d 1149 (2017). "Accordingly, the fact that the ADA cannot be interposed as a defense in a termination proceeding '[does] not [mean] that the ADA does not apply to the reunification services and programs that the department must [provide] to meet the parents' specialized needs.... [Section] 17a-112 requires the department to make reasonable efforts at reunification. This includes taking the parent's mental condition into consideration. A failure to provide adequate services because of the parent's mental condition would violate not only § 17a-112, but [also] the ADA' (Citations omitted.)"
- [In re Santiago G.](#), 325 Conn. 221, 236, 157 A.3d 60 (2017). "[T]he present case represents a situation akin to the commissioner seeking the termination of parental rights of just one of two biological parents—the termination of one parent's rights has no impact on the other parent's rights. See, e.g., General Statutes § 45a-717(j) ('if the parental rights of only one parent are terminated, the remaining parent shall be sole parent and, unless otherwise provided by law, guardian of the person')."
- [In re Daniel N.](#), 323 Conn. 640, 643, 150 A.3d 657 (2016).

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"Specifically, the petitioner claims that the Appellate Court improperly concluded that the failure to canvass the respondent prior to the commencement of the termination of parental rights trial in accordance with the rule promulgated pursuant to the exercise of our supervisory authority in *In re Yasiel R.*, 317 Conn. 773, 120 A.3d 1188 (2015), applies retroactively to the present case and requires reversal. See *In re Daniel N.*, 163 Conn.App. 322, 333, 135 A.3d 1260 (2016). Because we conclude that application of the canvass rule announced in *In re Yasiel R.* to the present case would exceed the scope of the exercise of our supervisory authority in that case, we reverse the judgment of the Appellate Court."

- [In re Oreoluwa O.](#), 321 Conn. 523, 539-540, 139 A.3d 674 (2016). "[W]e are mindful that 'the requirement that the department make reasonable efforts to reunite parent and child affects the substantive rights of the parties to a termination proceeding. The requirement of reunification efforts provides additional substantive protection for any parent who contests a termination action, and places a concomitant burden on the state to take appropriate measures designed to secure reunification of parent and child.' *In re Eden F.*, supra, 250 Conn. at 696, 741 A.2d 873. Furthermore, we are mindful that the burden is on the commissioner to demonstrate that the department has made reasonable efforts to locate the parent and to reunify the child with the parent."
- [In re Raymond B., Jr.](#), 166 Conn. App. 856, 867, 142 A.3d 475 (2016). "[T]his court recently concluded that canvassing a respondent at the conclusion of the termination of parental rights trial was harmless error. In doing so, this court addressed the contours of what constitutes compliance with the canvass rule: 'Although this was not the procedure envisioned by our Supreme Court, and, accordingly should be avoided, if any concerns arose regarding the respondent's understanding of his trial rights, the trial court could have reopened the evidence to allow for additional proceedings if necessary.' *Id.*, at 64, 141 A.3d 1000. This court also stated that the burden is on the respondent to show the harm of a noncompliant canvass. *Id.*, at 63, 141 A.3d 1000."
- [In re Yasiel R.](#), 317 Conn. 773, 795, 120 A.3d 1188, 1201 reconsideration denied sub nom. [In re Yashel R.](#), 319 Conn. 921, 126 A.3d 1086 (2015). "We conclude, therefore, that it is proper to exercise our supervisory power in the present case and require that, in all termination proceedings, the trial court must canvass the respondent prior to the start of the trial. The canvass need not be lengthy as long as the court is convinced that the respondent fully understands his or her rights. In the canvass, the respondent should be advised of: (1) the nature of the termination of parental rights proceeding and the legal effect thereof if a judgment is entered terminating parental rights; (2) the respondent's right to defend against the accusations; (3) the

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respondent's right to confront and cross-examine witnesses; (4) the respondent's right to object to the admission of exhibits; (5) the respondent's right to present evidence opposing the allegations; (6) the respondent's right to representation by counsel; (7) the respondent's right to testify on his or her own behalf; and (8) if the respondent does not intend to testify, he or she should also be advised that if requested by the petitioner, or the court is so inclined, the court may take an adverse inference from his or her failure to testify, and explain the significance of that inference. Finally, the respondent should be advised that if he or she does not present any witnesses on his or her behalf, object to exhibits, or cross-examine witnesses, the court will decide the matter based upon the evidence presented during trial. The court should then inquire whether the respondent understands his or her rights and whether there are any questions."

- [In re Brayden E.-H.](#), 309 Conn. 642, 661-662, 72 A.3d 1083 (2013). "In our view, this record fully demonstrates that the trial court necessarily found, by clear and convincing evidence, that termination was the least restrictive alternative to protect the children's best interests. Indeed, the court's response to the respondent's supplemental brief on the motion to reargue reflects that the court considered and rejected the measures short of termination suggested by the respondent. The court concluded that any avenue that would permit the respondent to exert any further control or influence over the children would undermine the guardians' relationship with the children and would be contrary to the children's best interests."
- [In re Jeisean M.](#), 74 Conn. App. 233, 240-241, 812 A.2d 80 (2002). "Accordingly, we hold that in deciding an application for a waiver of fees, costs and expenses pursuant to Practice Book § 63-6 in a termination of parental rights proceeding, the factors to be weighed by the trial court are limited to a consideration of whether the applicant has a statutory right of appeal pursuant to General Statutes § 52-263 and whether the applicant is indigent."
- [In re Luke G.](#), 40 Conn. Supp. 316, 326-327, 498 A.2d 1054 (1985). "It is the responsibility of all of the adults involved to give the children's interest top priority over their own emotional objectives, so that they may understand and benefit from the fact that they have two 'Daddies' who love them, that having two 'Daddies' is not 'too complicated' but is rather an enriching factor in their lives."
- [Quilloin v. Walcott](#), 434 U.S. 246, 255, 98 S.Ct. 549, 54 L.Ed.2d 511 (1978). "But this is not a case in which the unwed father at any time had, or sought, actual or legal custody of his child. Nor is this a case in which the proposed adoption would place the child with a new set of parents with whom the child had never before lived. Rather,

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the result of the adoption in this case is to give full recognition to a family unit already in existence, a result desired by all except appellant."

- [Stanley v. Illinois](#), 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). "The private interest here, that of a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection."
- [Prince v. Massachusetts](#), 321 U.S. 158, 166, 64 S. Ct. 438, 88 L. Ed. 645 (1944). "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder."

WEST KEY NUMBERS:

- *Constitutional Law*
 - #1132(40). Vagueness in general – Particular issues and applications – Families and children.
 - #3165. Equal protection – Particular classes – Disability or disease, physical or mental – Families and children.
 - #4390. Due Process – Particular issues and applications – Families and children – Parent and child relationship.
 - #4400. Due Process – Particular issues and applications – Families and children – Protection of children; Child abuse, neglect, and dependency.
 - #4403.5. Due Process – Particular issues and applications – Families and children – Removal or termination of parental rights.
 - #4489. Due Process – Particular issues and applications – Other particular issues and applications – Habeas corpus.
- *Infants*
 - #1811-2440. Dependency, permanent custody, and termination of rights; children in need.

DIGESTS:

- ALR Digest: *Constitutional Law*
 - § 3739. Termination of parental rights
 - § 4403.5. Removal or termination of parental rights
- ALR Digest: *Infants*
 - § 2332. Right to counsel.
- Connecticut Family Law Citations: § 11.14 Termination of Parental Rights
- US L Ed Digest: Constitutional Law § 803.5

ENCYCLOPEDIAS:

- 16B Am. Jur. 2d *Constitutional Law* (2009).
 - § 1009. Hearing. Character and sufficiency—Presence of person; right to counsel
- 59 Am. Jur. 2d *Parent and Child* (2012).
 - § 34. Loss or forfeiture of right
 - § 35. —Burden of proof
- *Ineffective Assistance of Counsel in Parental Termination Cases*, 159 POF 3d 173 (2017).
- *Cause of Action to Terminate Parental Rights of Incarcerated Parent*, 67 COA 2d 1 (2015).

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- *Cause of Action for Termination of Parental Rights Based on Abuse or Neglect*, 53 COA 2d 523 (2012).
§ 29. Presumptions and burden of proof
- Ralph H. Folsom and Gayle B. Wilhelm, [Incapacity, Powers of Attorney and Adoption in Connection 3d](#) (2017).
Chapter 5. Adoption and Parental Rights
 - § 5:6. Termination of parental rights and appointment of guardian or statutory parent for adoption petition
 - § 5:7. Notice, guardian ad litem
 - § 5:8. Hearing, investigation and report, grounds for termination of parental rights, consent terminations
- 1 Joan Heifetz Hollinger et al., [Adoption Law and Practice](#) (2016).
Chapter 2. Consent to adoption
 - § 2.10. Exceptions to the requirement of parental consent
 - § 2.10[2]. State courts and statutory examples
- 4 Sandra Morgan Little, [Child Custody & Visitation Law and Practice](#) (2017).
Chapter 28. Termination of parental rights
 - § 28.02. Elements of the proceeding
 - § 28.02[2]. Constitutional limitations
 - § 28.03. Procedural protections
 - [1]. Service of process
 - [2]. Notification of charges
 - [4]. Counsel for the parents
 - [5]. Disclosure
- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
Chapter 13. Termination of Parental Rights
 - § 13:6. Right to counsel
 - § 13:20. Unmarried fathers

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Michael J. Keenan, Note, *Connecticut's Trend In The Termination Of Parental Rights And What Can Be Done To Further It*, 10 Connecticut Probate Law Journal 269 (1996).
II. Background
 - E. The federal judiciary and constitutional issues, pp. 294-297

Table 1: In re Yasiel and Canvass of Respondent

Trial Court Canvass of Respondent	
<p><u>In re Yasiel R.</u>, 317 Conn. 773, 782, 120 A.3d 1188, 1194 reconsideration denied sub nom. <u>In re Yashel R.</u>, 319 Conn. 921, 126 A.3d 1086 (2015)</p>	(1) the nature of the termination of parental rights proceeding and the legal effect thereof if a judgment is entered terminating parental rights
	(2) the respondent's right to defend against the accusations
	(3) the respondent's right to confront and cross-examine witnesses
	(4) the respondent's right to object to the admission of exhibits
	(5) the respondent's right to present evidence opposing the allegations
	(6) the respondent's right to representation by counsel
	(7) the respondent's right to testify on his or her own behalf
	(8) if the respondent does not intend to testify, he or she should also be advised that if requested by the petitioner, or the court is so inclined, the court may take an adverse inference from his or her failure to testify, and explain the significance of that inference.
	The respondent should be advised that if he or she does not present any witnesses on his or her behalf, object to exhibits, or cross-examine witnesses, the court will decide the matter based upon the evidence presented during trial.
	The court should then inquire whether the respondent understands his or her rights and whether there are any questions.

Table 2: Rights of the remaining parent in TPR

Rights of the Remaining Parent in TPR	
Conn. Gen. Stat. § 17a-112 (i) (2017) (partial)	"Consent for the termination of the parental rights of one parent does not diminish the parental rights of the other parent of the child, nor does it relieve the other parent of the duty to support the child."
Conn. Gen. Stat. § 17a-112 (n) (2017) (partial)	"If the parental rights of only one parent are terminated, the remaining parent shall be the sole parent and, unless otherwise provided by law, guardian of the person."
Conn. Gen. Stat. § 45a-717 (j) (2017) (As amended by Public Act 17-48 , § 13, January 2017 Session, effective October 1, 2017).	"If the parental rights of only one parent are terminated, the remaining parent shall be sole parent and, unless otherwise provided by law, guardian of the person."

Table 3: Foster parents and TPR

Foster Parents and TPR	
STATUTES	"The Commissioner of Children and Families shall not discriminate in preparing a home study or in placing a child with a prospective adoptive parent based on whether the prospective parent is or is not willing to become a foster parent pending an adoption placement." Conn. Gen. Stat. § 45a-726 (c) (2017).
CASE ANNOTATIONS	John F. Gillespie, Annotation, <i>Status and Rights of Foster Children and Foster Parents under Federal Constitution</i> , 53 L. Ed. 2d 1116 (1978).

Table 4: Best Interest of the Child Standard in TPR

Best Interest of the Child Standard in TPR	
Conn. Gen. Stat. § 17a-112(q) (2017)	"The provisions of this section shall be liberally construed in the best interests of any child for whom a petition under this section has been filed."
Conn. Gen. Stat. § 45a-706 (2017)	"The provisions of sections 45a-706 to 45a-709, inclusive, 45a-715 to 45a-718, inclusive, 45a-724 to 45a-734, inclusive, 45a-736, 45a-737 and 52-231a shall be liberally construed in the best interests of any child for whom a petition has been filed under said sections."
Conn. Gen. Stat. § 45a-715(i) (2017) (As amended by Public Act 17-136 , § 8, January 2017 Session, <i>effective October 1, 2017</i>).	<p>Postadoption agreements</p> <p>"If the Court of Probate determines that the child's best interests will be served by postadoption communication or contact with either or both birth parents, the court shall so order, stating the nature and frequency of the communication or contact. A court may grant postadoption communication or contact privileges if: (1) Each intended adoptive parent consents to the granting of communication or contact privileges; (2) the intended adoptive parent and either or both birth parents execute a cooperative agreement and file the agreement with the court; (3) consent to postadoption communication or contact is obtained from the child, if the child is at least twelve years of age; and (4) the cooperative postadoption agreement is approved by the court."</p> <p>"(n) An adoptive parent, guardian ad litem for the child or the court on its own motion may, at any time, petition for review of communication or contact ordered pursuant to subsection (i) of this section, if the adoptive parent believes that the best interests of the child are being compromised. The court may order the communication or contact be terminated, or order such conditions in regard to communication or contact as the court deems to be in the best interest of the adopted child."</p>
Conn. Gen. Stat. § 45a-719 (2017)	<p>Reopening judgment terminating parental rights. Best interest of child. Final decree of adoption.</p> <p>". . . For the purpose of this section, "best interest of the child" shall include, but not be limited to, a consideration of the age of the child, the nature of the relationship of the child with the caretaker of the child, the length of time the child has been in the custody of the caretaker, the nature of the relationship of the child with the birth parent, the length of time the child has been in the custody of the birth parent, any relationship that may exist between the child and siblings or other children in the caretaker's household, and the psychological and medical needs of the child. The determination of the best interest of the child shall not be based on a consideration of the socio-economic status of the birth parent or the caretaker."</p>

<p>In re Rachel J., 97 Conn. App. 748, 761, 905 A.2d 1271 (2006)</p>	<p>"It is well settled that we will overturn the trial court's decision that the termination of parental rights is in the best interest of the children only if the court's findings are clearly erroneous."</p>
<p>In re Tygwane V., 85 Conn. App. 528, 534, 857 A.2d 963 (2004).</p>	<p>"In addition, 'the best interest of a child is not the [court's] primary focus when determining whether to grant a petition to terminate parental rights. . . . [C]oncern for the children is an additional, not an alternative, requirement for the termination of parental rights.'(Citation omitted.)"</p>

Section 1b: Right to Counsel

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to the right to counsel in termination of parental rights in Connecticut.

DEFINITIONS:

- "If a party appears without counsel, the court shall inform such party of the party's right to counsel and upon request, if he or she is unable to pay for counsel, shall appoint counsel to represent such party. No party may waive counsel unless the court has first explained the nature and meaning of a petition for the termination of parental rights." Conn. Gen. Stat. [§ 45a-717](#)(b) (2017) (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).
- "The respondent's due process rights are therefore properly determined by the balancing test of *Mathews v. Eldridge*, 424 U.S. 319, 334, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976), employed by the United States Supreme Court in considering a parent's right in termination proceedings to representation by counsel . . ." [In Re Juvenile Appeal \(Docket No. 10155\)](#), 187 Conn. 431, 435, 446 A.2d 808 (1982).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2017)
[Chapter 319a](#). Child welfare
[§ 17a-112](#). Termination of parental rights of child committed to commissioner.
[Chapter 803](#). Termination of parental rights and adoption
[§ 45a-715](#). (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
Petition to terminate parental rights.
[§ 45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.
[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).
Termination of parental rights. Conduct of hearing, Investigation and report. Grounds for termination.
[§ 45a-719](#). Reopening judgment terminating parental rights. Best interest of child. Final decree of adoption

LEGISLATIVE:

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Backgrounder: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2017)
[Chapter 32a](#). Rights of parties: Neglected, uncared for and dependent children and termination of parental rights
§ 32a-1. Right to counsel and to remain silent

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Larry D.](#), 170 Conn. App. 758, 765, 155 A.3d 322 (2017). "The respondent claims that the court's failure to advise him of his constitutional rights and to appoint him counsel prior to ordering his participation in a psychological evaluation violated his due process rights. Acknowledging that he failed to preserve this claim in the trial court by objecting to the admission of Dr. Schroeder's report into evidence, the respondent seeks to prevail under *State v. Golding*, 213 Conn. 233, 239–40, 567 A.2d 823 (1989). We conclude that the alleged constitutional violation was harmless beyond a reasonable doubt."
- [In re Daniel A.](#), 150 Conn. App. 78, 89, 89 A.3d 1040, 1049 (2014). "This court previously has set forth what is required to support an effective waiver of the statutory right to counsel in a termination proceeding by way of analogy to the criminal context: '[A]lthough a defendant need not have the skill and expertise of an attorney to competently and intelligently choose [self-representation], a record that affirmatively shows that [he] was literate, competent, and understanding, and that he was voluntarily exercising his informed free will sufficiently supports a waiver [of counsel].'"
- [In re Isaiah J.](#), 140 Conn. App. 626, 640, 59 A.3d 892 (2013). "The respondent provides no legal basis to support her argument that a statutory right to counsel in a termination of parental rights proceeding carries with it the same sixth amendment protections accorded to a criminal proceeding. A parent's right to effective assistance of counsel in a termination of parental rights proceeding is not rooted in the federal or state constitutions."
- [In re Alexander V.](#), 223 Conn. 557, 566, 613 A.2d 780 (1992). "Accordingly we conclude that due process does not require a competency hearing in all termination cases but only when (1) the parent's attorney requests such a hearing, or (2) in the absence of such a request, the conduct of the parent reasonably suggests to the court, in the exercise of its discretion, the desirability of ordering such a hearing sua sponte."

WEST KEY NUMBERS:

- *Constitutional Law*
 - #4403.5. Due Process – Particular issues and applications – Families and children – Removal or termination of parental rights.
 - #4489. Due Process – Particular issues and applications – Other particular issues and applications – Habeas corpus.
- *Infants*
 - #2332. Right to counsel.
 - #2340. Withdrawal and change of counsel.
 - #2352. Proceedings as to right or waiver.
 - #2396. Proceedings in forma pauperis.

DIGESTS:

- ALR Digest: Infants
 - § 2332. Right to counsel.

- Connecticut Family Law Citations: § 11.14 Termination of Parental Rights
- US L ED Digest: Constitutional Law § 803.5

ENCYCLOPEDIAS:

- 16B Am. Jur. 2d *Constitutional Law* (2009).
§ 1009. Hearing. Character and sufficiency—Presence of person; right to counsel
- 59 Am. Jur. 2d *Parent and Child* (2012).
§ 34. Loss or forfeiture of right
§ 35. —Burden of proof
- *Ineffective Assistance of Counsel in Parental Termination Cases*, 159 POF 3d 173 (2017).
- *Claims of Ineffective Counsel at Termination of Parental Rights Proceedings—Prehearing and Procedural Issues*, 30 A.L.R. 7th Art. 1 (2017).
- *Claims of Ineffective Counsel at Termination of Parental Rights Proceedings—Hearing and Post-Hearing Issues*, 30 A.L.R. 7th Art. 2 (2017).
- *Right to Effective Counsel at Termination of Parental Rights Proceeding and Standards of Review of Claim*, 23 A.L.R. 7th Art. 3 (2017).
- *Cause of Action for Termination of Parental Rights Based on Abuse or Neglect*, 53 COA 2d 523 (2012).

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Ralph H. Folsom and Gayle B. Wilhelm, [Incapacity, Powers of Attorney and Adoption in Connection 3d](#) (2017).
Chapter 5. Adoption and Parental Rights
§ 5:6. Termination of parental rights and appointment of guardian or statutory parent for adoption petition
§ 5:7. Notice, guardian ad litem
§ 5:8. Hearing, investigation and report, grounds for termination of parental rights, consent termination
- 4 Sandra Morgan Little, [Child Custody & Visitation Law and Practice](#) (2017).
Chapter 28. Termination of parental rights
§ 28.03. Procedural protections
[4]. Counsel for the Parents
- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases 3d](#) (2009).
Chapter 13. Termination of Parental Rights
§ 13:6. Right to counsel

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Michael J. Keenan, Note, *Connecticut's Trend In The Termination Of Parental Rights And What Can Be Done To Further It*, 10 Connecticut Probate Law Journal 269 (1996).
II. Background
E. The federal judiciary and constitutional issues, pp. 290-291

Section 1c: Standard of Proof

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to the standard of proof in termination of parental rights in Connecticut.

DEFINITIONS:

- "The constitutional guarantee of due process of law requires that the statutory grounds for termination of parental rights be established by 'clear and convincing evidence,' not merely a fair preponderance of the evidence." *In Re Emmanuel*, 43 Conn. Supp. 108, 113, 648 A.2d 904 (1994).
- "The respondent's due process rights are therefore properly determined by the balancing test of *Mathews v. Eldridge*, 424 U.S. 319, 334, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976), employed by the United States Supreme Court in considering a parent's right in termination proceedings to representation by counsel . . . and to the use of a clear and convincing standard of proof" *In Re Juvenile Appeal (Docket No. 10155)*, 187 Conn. 431, 435, 446 A.2d 808 (1982).
- "**Clear and Convincing Proof:** is a demanding standard denot[ing] a degree of belief that lies between the belief that is required to find the truth or existence of the [fact in issue] in an ordinary civil action and the belief that is required to find guilt in a criminal prosecution.... [The burden] is sustained if evidence induces in the mind of the trier a reasonable belief that the facts asserted are highly probably true, that the probability that they are true or exist is substantially greater than the probability that they are false or do not exist." *In re Carla C.*, 167 Conn. App. 248, 258, 143 A.3d 677 (2016).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017).
[§ 17a-112](#). Termination of parental rights of child committed to commissioner.

LEGISLATIVE:

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Backgrounder: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2017)
[Chapter 32a](#). Rights of parties: Neglected, uncared for and dependent children and termination of parental rights § 32a-3. Standards of proof

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Jason R.](#), 306 Conn. 438, 455, 51 A.3d 334 (2012). "Indeed, the trial court's ultimate conclusion on this issue further demonstrates that it did not improperly shift the burden of proof to the respondent. Specifically, the trial court found that '[the petitioner] has proven by clear and convincing evidence that [the] children have been found to have been neglected in a prior proceeding and [the respondent] has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the children, she could assume a responsible position in [the] children's lives.' We therefore conclude that the trial court properly required the petitioner to bear the burden of proof and only commented on the respondent's failure to demonstrate that she achieved personal rehabilitation after concluding that the petitioner had proven its case by clear and convincing evidence."
- [In Re Lee](#), 104 Conn. App. 121, 136-137. (2007) "The respondent's argument loses sight of the fact that, for the purpose of the court's ultimate determination regarding whether her parental rights should be terminated, the relevant testimony elicited from the respondent was that she permitted someone who she knew very clearly had a problem with substance abuse to reside in her home with her children. Because the court found that the respondent generally was aware of her fifth husband's drinking problem, it was appropriate for the court to consider this as a factor when assessing the respondent's progress toward rehabilitation."
- [In re Eden](#), 250 Conn. 674, 694, 741 A.2d 873 (1999). "The constitutional requirement of proof by clear and convincing evidence applies only to those findings upon which the ultimate decision to terminate parental rights is predicated."

WEST KEY NUMBERS:

- *Constitutional Law*
#4403.5. Due Process – Particular issues and applications – Families and children – Removal or termination of parental rights.
- *Infants*
XIV. Dependency, permanency, and termination factors; children in need of aid. #1811-#2440.
#1881. In general – In general.
#1963. Deprivation, neglect, or abuse – Child abuse and molestation – Physical or emotional abuse; cruelty.
#2001. Abandonment, absence, and nonsupport – In general.
#2021. Rehabilitation; reunification efforts – In general.
#2032. Rehabilitation; reunification efforts – Reunification plans and services – Efforts and compliance by government or agency.
#2127. Evidence – Presumptions, inferences, and

burden of proof; prima facie rights – Dependency, permanency, and rights termination in general.
 #2134. Evidence – Presumptions, inferences, and burden of proof; prima facie rights – Rehabilitation and rehabilitation efforts.
 #2155. Evidence – Degree of proof.
 #2163. Evidence – Weight and sufficiency.

DIGESTS:

- ALR Digest: *Infants*
 § 2155. Degree of proof.
 § 2163. Weight and sufficiency.
- Connecticut Family Law Citations: § 11.14 Termination of Parental Rights
- US L ED Digest: Constitutional Law § 803.5

ENCYCLOPEDIAS:

- 16B Am. Jur. 2d *Constitutional Law* (2009).
 § 1009. Hearing. Character and sufficiency—Presence of person; right to counsel
- 59 Am. Jur. 2d *Parent and Child* (2012).
 § 34. Loss or forfeiture of right
 § 35. —Burden of proof
- *Cause of Action for Termination of Parental Rights Based on Abuse or Neglect*, 53 COA 2d 523 (2012).
 §§ 4-16. A prima facie case
 § 28. Standard of proof required to support termination of parental rights
 § 29. Presumptions and burden of proof
 § 30. Minor child as witness
 § 31. Psychological or psychiatric evaluations

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
 Chapter 13. Termination of Parental Rights
 § 13:3. Standard of proof
- 1 Joan Heifetz Hollinger et al., [Adoption Law and Practice](#) (2016).
 § 2.10. Exceptions to the requirement of parental consent
 [2]. State courts and statutory examples
- 4 Sandra Morgan Little, [Child Custody & Visitation Law and Practice](#) (2017).
 Chapter 28. Termination of parental rights
 § 28.04[2]. Burden of proof

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Michael J. Keenan, Note, *Connecticut's Trend In The Termination Of Parental Rights And What Can Be Done To Further It*, 10 Connecticut Probate Law Journal 269 (1996).
 II. Background
 E. The federal judiciary and constitutional issues, pp. 293-294

Section 1d: Equal Protection of the Laws

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to the constitutional guarantee of equal protection of the laws in termination of parental rights in Connecticut

DEFINITIONS:

- "The guaranty of equal protection of the laws ensures that the laws apply alike to all in the same situation, or that similar treatment is afforded to those in similar circumstances." [In re Nicolina T.](#), 9 Conn. App. 598, 606, 520 A.2d 639 (1987).

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [In re Nicolina T.](#), 9 Conn. App. 598, 606, 520 A.2d 639 (1987). "The trial court's court decision to terminate the respondent's parental rights was made pursuant to the statutory requirements of General Statutes § 17-43a (b) [now § 17a-112], makes no distinction between mentally ill and other persons. As such, the statutory criteria applies with equal force to all parents without regard to their mental condition."

WEST KEY NUMBERS:

- *Constitutional Law*
#3165. Equal protection – Particular classes – Disability or disease, physical or mental – Families and children.

DIGESTS:

- ALR Digest: *Constitutional Law*
§ 3739 Termination of parental rights
- Connecticut Family Law Citations: § 11.14 Termination of Parental Rights

Section 1e: Notice and Opportunity to Be Heard

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to the constitutional guarantee of notice and the opportunity to be heard including determination of parental competency.

DEFINITIONS:

- **Mentally incompetent person:** "one who is unable to understand the nature of the termination proceeding and unable to assist in the presentation of his or her case." [In re Alexander V.](#), 223 Conn. 557, 563, 613 A.2d 780 (1992).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017).
[§ 45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.
[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing, Investigation and report. Grounds for termination.

LEGISLATIVE:

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Backgrounder: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#). Probate Court rules are [available](#) on the CT Probate Court website.

- [Connecticut Probate Court Rules of Procedure](#) (2017)
Rule 40. Children's Matters: General Provisions
Section 40.9. Public notice in termination proceeding when name or location of parent unknown
- Conn. Practice Book (2017).
Procedures in Juvenile Matters
[Chapter 32a](#). Rights of parties: Neglected, abused and uncared for children and termination of parental rights
§ 32a-9. Competency of parent

[Chapter 33a](#). Petitions for neglect, uncared for, dependency and termination of parental rights: initiation of proceedings, orders of temporary custody and preliminary hearings
§ 33a-2. Service of summons, petitions and ex parte orders
§ 33a-4. Identity or location of respondent unknown
§ 33a-5. Address of person entitled to personal service unknown
§ 33a-6. Order of temporary custody; Ex parte orders and orders to appear
§ 33a-7. Preliminary order of temporary custody or first hearing; Actions by judicial authority

§ 33a-8. Emergency, life-threatening medical situations—Procedures

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Quamaine K., Jr.](#), 164 Conn. App. 775, 794-795, 137 A.3d 951 (2016). "After balancing the 'legitimate interests of respondent parents not to have their parental rights terminated while they are incompetent to stand trial and the legitimate interests of their children to have termination proceedings brought to an expeditious conclusion, due process requires that competency hearings be conducted as to respondent parents in termination proceedings in two ... situations.' *In re Glerisbeth C.*, supra, 162 Conn.App. at 281, 130 A.3d 917. Due process requires a competency hearing in termination of parental rights cases 'only when (1) the parent's attorney requests such a hearing, or (2) in the absence of such a request, the conduct of the parent reasonably suggests to the court, in the exercise of its discretion, the desirability of ordering such a hearing sua sponte..."
- [In re Samuel R.](#), 163 Conn. App. 314, 320, 134 A.3d 752 (2016). "We note that during a hearing on the termination of parental rights, the trial court is required to be mindful of a parent's competency and upon its own motion may order a competency hearing. See Practice Book § 32a-9; see also *In re Alexander V.*, 223 Conn. 557, 566, 613 A.2d 780 (1992)."
- [In re Zowie N.](#), 135 Conn. App. 470, 498, 41 A.3d 1056 (2012). "Here, the court ordered a competency evaluation upon the request of the child's attorney. The evaluation found no mental disease or defect that would affect the respondent's ability to comprehend the proceedings, and it concluded that there was no necessity to appoint a guardian ad litem, which appointment is required pursuant to § 45a-708 (a) if a respondent is a minor or is not competent."
- [In re Ezequiel C.](#), Superior Court, Judicial District of Middletown, Nos. M08-CP07010334, M08-CP07010335, (Nov. 25, 2009) (2009 WL 4913327) (2009 Conn. Super. LEXIS 3135). "In *In re Sarah H.*, the court concluded that 'the multi-factored balancing test set forth in [Mathews] must be considered to ensure the due process rights of the incompetent parent have been addressed; the balancing test is done in an effort to balance the interest of the incompetent [parent] in maintaining his family free of coercive state interference with the interest of [the child] in having a safe and healthy childhood.' *In re Sarah H.*, Superior Court, Docket No. F01 CP04 001637."

WEST KEY NUMBERS:

- *Constitutional Law*
#4400. Due Process – Particular issues and applications – Families and children – Protection of children; Child abuse, neglect, and dependency.
#4403.5. Due Process – Particular issues and applications – Families and children – Removal or termination of parental rights.

- *Mental Health*
 - #472. Capacity to sue and be sued
 - #485. Guardian ad litem or next friend.
- *Infants*
 - XIV. Dependency, permanency, and termination factors; children in need of aid. #1811-#2440.
 - #1925. Unfitness or Incompetence of Parent or Person in Position Thereof -- Adjudication or termination as to other children.
 - #2001. Rehabilitation; Reunification Efforts -- In general.
 - #2022. Rehabilitation; Reunification Efforts -- Entitlement and opportunity to rehabilitate.
 - #2028. Rehabilitation; Reunification Efforts -- Reunification plans and services.
 - #2070. Proceedings -- Notice and process.
 - #2426. Appeal and review -- Harmless or prejudicial error -- Pleading, notice, and process.

DIGESTS:

- Connecticut Family Law Citations: § 11.14 Termination of Parental Rights

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
 - Chapter 13. Termination of Parental Rights
 - § 13:4. Standing
 - § 13:5. Service of process
- 1 Joan Heifetz Hollinger et al., [Adoption Law and Practice](#) (2016).
 - § 2.10[2]. State courts and statutory examples
- 4 Sandra Morgan Little, [Child Custody & Visitation Law and Practice](#) (2017).
 - Chapter 28. Termination of parental rights
 - § 28.03. Procedural protections
 - [1]. Service of process
 - [2]. Notification of charges
 - § 28.04[5]. Right to be physically present or appear telephonically
- Kurt M. Ahlberg, *In Re: M, A Minor*, 30 Quinnipiac Prob. L.J. 199, 202-203 (2017).

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

Section 2: Termination by Consent

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the consensual termination of parental rights in Connecticut

DEFINITIONS:

- **Termination of parental rights based on consent:**
"refers to any judgment terminating parental rights on the ground of the consent of the parent, as opposed to another nonconsensual ground, and not to a judgment of termination entered by agreement of all parties." *In re Alexis A.*, Superior Court, Judicial District of Hartford, No. CP10013611A (April 7, 2011) (2011 WL 1734461) (2011 Conn. Super. LEXIS 907).
- "At the adjourned hearing or at the initial hearing where no investigation and report has been requested, the court may approve a **petition for termination of parental rights based on consent** filed pursuant to this section terminating the parental rights and may appoint a guardian of the person of the child, or if the petitioner requests, the court may appoint a statutory parent, if it finds, upon clear and convincing evidence that (1) the termination is in the best interest of the child and (2) such parent has voluntarily and knowingly consented to termination of the parent's parental rights with respect to such child." Conn. Gen. Stat. [§ 45a-717](#)(f) (2017) (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). [emphasis added]
- "If the court denies a petition for termination of parental rights based on consent, it may refer the matter to an agency to assess the needs of the child, the care the child is receiving and the plan of the parent for the child. Consent for the termination of the parental right of one parent does not diminish the parental rights of the other parent of the child nor does it relieve the other parent of the duty to support the child." Conn. Gen. Stat. [§ 45a-717](#)(f) (2017) (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
[§ 17a-112](#). Termination of parental rights of child committed to commissioner.
[§ 45a-715](#). (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*). Petition to terminate parental rights.
[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

FORMS:

- Probate Court
[PC-600](#). Application, termination of parental rights

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms. Please visit the Connecticut Probate Court website for [Probate Court Forms](#)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

[PC-601](#). Petition/consent, Termination of parental rights AND stepparent, co-parent, or relative adoption

[PC-610](#). Affidavit, temporary custody, removal, termination or adoption

- Superior Court
[JD-JM-60](#). Affidavit/consent to termination of parental rights
- 19 Am. Jur. Pleading and Practice Forms *Parent and Child* (2007)
§ 97. Affidavit—Voluntary relinquishment by mother of parental rights
- [In re Jayce O.](#), 323 Conn. 690, 702-703, 150 A.3d 640 (2016). "Specifically, the respondent claims that reliance on the prior termination, pursuant to § 17a-112 (j) (3) (E), was improper because she was a minor at the time that she consented, and she lacked notice that one consequence of her consent would be that the petitioner might be able subsequently to file coterminous petitions with respect to another child. She also argues that consensual terminations in general do not serve as a reliable indicator of a lack of parental fitness, particularly when too much time has elapsed between the prior termination and the present proceeding. We conclude that the trial court's reliance on the prior termination did not violate the respondent's right to procedural due process."
- [In re Miriam A.](#), Superior Court, Judicial District of Danbury, No. D03CP11002826A, (Jan. 25, 2013) (55 Conn. L. Rptr. 446,450) (2013 WL 812350) (2013 Conn. Super. LEXIS 238). "Once the court has found by clear and convincing evidence that the parent whose rights are being terminated has voluntarily and knowingly consented to the termination of his or her parental rights, the court must then find, also upon clear and convincing evidence, that such termination would be in the best interests of the child before granting a consensual termination of parental rights petition. *In re Bruce R.*, 234 Conn. 194, 203, 662 A.2d 107 (1995). 'Unlike § 45a-717(h) which enumerates certain factors that must be considered regarding the affected child's best interest in granting a nonconsensual petition, no statute describes the factors that must be considered in the case of a consensual petition ... [T]he trial court's paramount objective, pursuant to § 45a-717(f), is to determine what would be in the child's best interest. This phrase is purposefully broad to enable the trial court to exercise its discretion based upon a host of considerations.'"
- [In re Alexis A.](#), Superior Court, Judicial District of Hartford, No. CP10013611A (April 7, 2011) (51 Conn. L. Rptr. 727, 730) (2011 WL 1734461) (2011 Conn. Super. LEXIS 907). "Procedurally, if a petition indicates that a parent consents to the termination of parental rights, or if at any time following the filing of a petition and before the entry of a decree a parent consents to the termination of his parent rights, the consenting parent shall acknowledge such

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

consent on a form promulgated by the Office of the Chief Court Administrator evidencing to the satisfaction of the court that the parent has voluntarily and knowingly consented to the termination of his parental rights. General Statutes § 45a-715(d). When a court is advised that a parent wishes to consent to his or her parental rights, the court is obligated to thoroughly canvass the parent to insure that the consent is knowingly and voluntarily made without coercion or duress. The court is not obligated to canvass any other party in order to accept a parent's consent to termination of parental rights."

- [In re Rylyn R.](#), Superior Court, Judicial District of Middlesex, Juvenile Matters at Middletown, No. M08CP07010391A (April 28, 2008) (2008 WL 2582997) (2008 Conn. Super. LEXIS 1526). "Both *In re Bruce R.* and *In re Jessica M.* stand for the proposition that a parent cannot seek to terminate his or her own parental rights so as to abandon his or her financial obligation to support his or her child(ren). This has not been changed by the enactment of General Statutes § 45a-716(b)(5). That statute gives the Attorney General automatic standing if a child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services. However, the framework for analyzing why a parent is seeking to terminate parental rights vis-a-vis financial considerations and the best interest of the child is still the same."
- [In Re Bruce R.](#), 34 Conn. App. 176, 181, 640 A.2d 643 (1994), *aff'd* 234 Conn. 194 (1995). "We conclude that under the present statutory scheme a parent may petition for the termination of his or her own parental rights and that a petition for the termination of parental rights is not dependent on a pending adoption or state custodial placement."
- Lewis K. Parker, managing ed., [Connecticut Lawyers' Deskbook: A Reference Manual](#), (3d ed. 2008).
Lynn B. Cochrane, *Child Protection*. "Termination of Parental Rights," pp. 534-541
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997).
Chapter 3, Termination of Parental Rights.
§ 23. Termination by consent
- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
Chapter 13. Termination of Parental Rights
§ 13:21. Voluntary relinquishment.

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

Table 5: Child Support and Termination of Parental Rights

Child Support and Termination of Parental Rights	
<u>In re Bacyan R.</u> , 169 Conn. App. 212, 221-222, 150 A.3d 744 (2016)	"If the respondent's parental rights were terminated, his financial responsibility also would be terminated. The court found that the department's recommendation not to terminate the respondent's parental rights was based on a financial consideration of the father's future ability to pay support. It was not predicated on the child's financial, physical, educational, medical, and social needs, which were being met by the petitioner and her family. The court stated that it had not discounted the department's reason for its recommendation, but had credited it. It found that the department's reason was solely financial in nature and did not justify, by itself, the recommendation not to terminate the respondent's parental rights."
<u>In re Jessica M.</u> , 71 Conn. App. 417, 431-32, 802 A.2d 197, 206 (2002)	"The petitioner claims that the court's determination was solely based on her financial situation and that, as such, it contravenes the mandate of our Supreme Court. Simply put, that is a clear mischaracterization of the court's findings and the bases for them. In making its findings, the court referred to the petitioner's motivation in seeking termination, the feelings the petitioner's children had about terminating her parental rights, and the financial ability of the petitioner to pay child support, despite her desire to end her relationships, legal or otherwise, with her children. The court noted that it believed she wanted to pull off a ruse on it, her children and the state's taxpayers. The court's multifaceted approach demonstrates that it considered the totality of the circumstances based on all the testimony and exhibits, and not just the petitioner's financial means. In accordance, it is clear that the court did not expand the meaning of our Supreme Court's holding in <i>In re Bruce R.</i> "
<u>In re Jessica M.</u> , 47 Conn. Supp. 42, 50-51, 774 A.2d 1097, 1102- 03 (2001)	"It would also appear that the department's action in bringing the present appeal to this court is consistent with the clearly defined federal and state public policy relative to the support by parents of their children, in particular those children who do not reside with their parents and those children supported by the taxpayers. See <i>Mulholland v. Mulholland</i> , 31 Conn. App. 214, 224, 624 A.2d 379 (1993), aff'd, 229 Conn. 643, 643 A.2d 246 (1994). A number of statutes in our state deal with the obligation of a parent to support his or her child including General Statutes § 46b-56, authorizing the Superior Court to issue orders providing for the support, care and custody of minor children in dissolution, legal separation and annulment actions; General Statutes § 46b-61, providing for child support orders for parents who live separately; General Statutes § 46b-84, obligating parents to support their children based on their respective abilities; and General Statutes § 46b-215, providing for the entry, modification and enforcement of child support orders against any person who neglects or refuses to support his

	or her child and specifically authorizing child support actions against parents by state officials, including the commissioner, in cases in which they or their children have received public assistance payments.”
In re Bruce R. , 234 Conn. 194, 213, 662 A.2d 107, 117 (1995)	“Legislative and judicial efforts to hold parents to their financial responsibility to support their children would be eviscerated if we were to allow an unfettered legal avenue through which a parent without regard to the best interest of the child could avoid all responsibility for future support. ‘We must avoid a construction that fails to attain a rational and sensible result that bears directly on the purpose the legislature sought to achieve. <i>Peck v. Jacquemin</i> , 196 Conn. 53, 63–64, 491 A.2d 1043 (1985). [<i>Turner v. Turner</i> , <i>supra</i> , 219 Conn. at 713, 595 A.2d 297]. <i>Scrapchansky v. Plainfield</i> , 226 Conn. 446, 453, 627 A.2d 1329 (1993); see also <i>State v. Johnson</i> , [227 Conn. 534, 542, 630 A.2d 1059 (1993)]; <i>Fairfield Plumbing & Heating Supply Corp. v. Kosa</i> , 220 Conn. 643, 650–51, 600 A.2d 1 (1991).’ (Internal quotation marks omitted.) <i>Concept Associates, Ltd. v. Board of Tax Review</i> , 229 Conn. 618, 624, 642 A.2d 1186 (1994). Surely the legislature did not intend that § 45a–717(f) be used as a means for a parent to avoid the obligation to support his or her children. To interpret the statutory scheme as such would alter radically the parental support obligation which our laws consistently have reinforced.”

Table 6: Consent to TPR within 48 hours of birth or by minor

Consent to TPR within 48 Hours of Birth or by Parent Who is a Minor	
<p>Conn. Gen. Stat. § 17a-112(a) (2017)</p>	<p>"No consent to termination by a mother shall be executed within forty-eight hours immediately after the birth of such mother's child. A parent who is a minor shall have the right to consent to termination of parental rights and such consent shall not be voidable by reason of such minority. A guardian ad litem shall be appointed by the court to assure that such minor parent is giving an informed and voluntary consent."</p>
<p>Conn. Gen. Stat. § 45a-715(d) (2017) (As amended by Public Act 17-136, § 8, January 2017 Session, <i>effective October 1, 2017</i>).</p>	<p>"No consent to termination by a mother shall be executed within forty-eight hours immediately after the birth of her child. A parent who is a minor shall have the right to consent to termination of parental rights and such consent shall not be voidable by reason of such minority. A guardian ad litem shall be appointed by the court to assure that such minor parent is giving an informed and voluntary consent."</p>

Section 3: Grounds (Nonconsensual)

A Guide to Resources in the Law Library

- “In order to terminate a parent's parental rights under § 45a-717, the petitioner is required to prove, by clear and convincing evidence, that any one of the seven grounds for termination delineated in § 45a-717(g)(2) exists and that termination is in the best interest of the child. General Statutes § 45a-717(g)(1).’ *In re Brian T.*, 134 Conn. App. 1, 10, 38 A.3d 114 (2012). Those seven grounds are: abandonment, acts of parental commission or omission, no ongoing parent-child relationship, neglect/ abuse, failure to rehabilitate, causing the death of another child or committing a sexual assault that results in the conception of the child. General Statutes § 45a-717(g)(2).” [In re Jacob W.](#), 178 Conn. App. 195, 204, --- A.3d ---- (2017).
- “Termination of parental rights does not follow automatically from parental conduct justifying the removal of custody. The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life. *Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982). ‘Accordingly, [our legislature has] carefully limited situations in which countervailing interests are sufficiently powerful to justify the irretrievable destruction of family ties that the nonconsensual termination of parental rights accomplishes....’” [In re Carla C.](#), 167 Conn. App. 248, 264, 143 A.3d 677 (2016).
- “‘Because the statutory grounds necessary to grant a petition for termination of parental rights are expressed in the disjunctive, the court need find only one ground to grant the petition. Thus, we may affirm the court's decision if we find that it properly concluded that any one of the statutory circumstances existed.’ *In re Brea B.*, 75 Conn. App. 466, 473, 816 A.2d 707 (2003).” [In re Vanna A.](#), 83 Conn. App. 17, 25, 847 A.2d 1073 (2004).

Section 3a: Abandonment

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the abandonment of a child as grounds for termination of parental rights in Connecticut

DEFINITIONS:

- **Abandoned:** "means left without provision for reasonable and necessary care or supervision" Conn. Gen. Stat. [§ 46b-115a](#)(1) (2017)
- **Abandonment:** "has been defined as a parent's failure to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child, and maintain implies a continuing, reasonable degree of interest, concern, or responsibility and not merely a sporadic showing thereof." *In re Sydnei V.*, 168 Conn. App. 538, 548, 147 A.3d 147 (2016).
- **Temporary Emergency Jurisdiction:** "(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and (1) the child has been abandoned" Conn. Gen. Stat. [§ 46b-115n](#) (2017)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
[§ 17a-112](#). Termination of parental rights of child committed to commissioner.
[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Grounds for termination.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- *In re Sydnei V.*, 168 Conn. App. 538, 547-548, 147 A.3d 147 (2016). "As to the ground of abandonment alleged pursuant to § 45a- 717(g)(2)(A), the court noted that the appellate courts of this state have held that '[t]he commonly understood general obligations of parenthood entail these minimum attributes: (1) [the expression of] love and affection for the child; (2) [the expression of] personal concern over the health, education and general well-being of the child; (3) the duty to supply the necessary food, clothing, and medical care; (4) the duty to provide an adequate domicile; and (5) the duty to furnish social and religious guidance.'"
- *In re Leilah W.*, 166 Conn. App. 48, 67-68, 141 A. 3d 1000 (2016). "Although incarceration certainly is not indicative of abandonment of a child and never, in and of itself, provides a proper basis for terminating parental rights; see *In re Katia M.*, 124 Conn.App. 650, 661, 6 A.3d 86, cert. denied, 299 Conn. 920, 10 A.3d 1051 (2010); *In re Juvenile Appeal (Docket No. 10155)*, 187 Conn. 431, 443, 446 A.2d 808 (1982); 'incarceration nonetheless may prove an obstacle to reunification due to the parent's unavailability'; *In re Katia M.*, supra, at 661, 6 A.3d 86; and, thus, is properly considered by the court in considering whether to terminate parental rights on the ground of failure to rehabilitate. *Id.*,

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- at 664–65, 6 A.3d 86.”
- [In re Paul M., Jr.](#), 148 Conn. App. 654, 666, 85 A.3d 1263, 1270 (2014). “We also reject the respondent's argument that the time period of 142 days that he had fled the jurisdiction is insufficient to find abandonment. As correctly noted by the petitioner, § 17a–111b (b) does not contain a minimum time frame pursuant to which abandonment occurs as a matter of law. The respondent has not provided this court with any statute or case setting forth a temporal requirement that must be met before a finding of abandonment can be made.”
- [In re Brian T., Jr.](#), 134 Conn. App. 1, 14, 38 A.3d 114 (2013). “Incarceration alone does not suffice to show abandonment. *In re Juvenile Appeal* (Docket No. 10155), 187 Conn. 431, 443, 446 A.2d 808 (1982). Further, although the length of time of the denial of paternity found is material, there is no evidence that the respondent denied paternity for five years or until the statute of limitations expired for statutory rape, as found by the court. The length of time of incarceration also is material, and the finding that the respondent was incarcerated for the first seven years of the child's life is clearly erroneous.”
- [In re Justin F.](#), 137 Conn. App. 296, 301, 48 A.3d 94 (2012). “A parent abandons a child if ‘the parent has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child.... Abandonment focuses on the parent's conduct.... Abandonment occurs where a parent fails to visit a child, does not display love or affection for the child, does not personally interact with the child, and demonstrates no concern for the child's welfare.... Section 17a–112[(j)(3)(A)] does not contemplate a sporadic showing of the indicia of interest, concern or responsibility for the welfare of a child. A parent must maintain a reasonable degree of interest in the welfare of his or her child. Maintain implies a continuing, reasonable degree of concern.’”
- [In re Alexander C.](#), 67 Conn. App. 417, 426, 787 A.2d 608 (2001). “In the context of termination of parental rights due to abandonment, this court has stated that among the generally understood obligations of parenthood are the expression of love and affection for the child, and the expression of personal concern over the health, education and general well-being of the child.”
- [In re Rayna M.](#), 13 Conn. App. 23, 37, 534 A.2d 897 (1987). “It is not lack of interest alone which is the criterion in determining abandonment. Abandonment under General Statutes 17–43a(b)(1) requires failure to maintain ‘interest, concern or responsibility as to the welfare of the child.’ ‘Attempts to achieve contact with a child, telephone calls, the sending of cards and gifts, and financial support are indicia of “interest, concern or responsibility” for the welfare of a child.’”

**WEST KEY
NUMBERS:**

- *Infants*
#2001-2020. Abandonment, absence, and nonsupport.

ENCYCLOPEDIAS:

- *Grounds For Termination Of Parental Rights*, 32 POF3d 83 § 4 (1995)
- *Cause of Action for Adoption Without Consent Of Parent On Grounds Of Abandonment*, 16 COA 219 (1988).

**TEXTS &
TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Lewis K. Parker, managing ed., [Connecticut Lawyers' Deskbook: A Reference Manual](#), (3d ed. 2008).
Lynn B. Cochrane, *Child Protection*. "Termination of Parental Rights," pp. 534-541
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997).
Chapter 3, Termination of Parental Rights.
§ 24. Nonconsensual Termination: Grounds
A. Abandonment
- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
Chapter 13. Termination of Parental Rights
§ 13:10. Grounds-Abandonment and nonsupport

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Kurt M. Ahlberg, *In Re: M, A Minor*, 30 Quinnipiac Prob. L.J. 199 (2017).
- Kurt M. Ahlberg, *In Re: A Minor*, 29 Quinnipiac Prob. L.J. 365 (2016).
- Matthew R. Asman, *The Rights Of A Foster Parent Versus The Biological Parent Who Abandoned The Child: Where Do The Best Interest Of The Child Lie?* 8 Connecticut Probate Law Journal 93 (1993).
- Verna Lilburn, *Abandonment as Grounds For The Termination Of Parental Rights*, 5 Connecticut Probate Law Journal 263 (1991).

Section 3b:

Act(s) of Parental Commission or Omission

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to termination of parental rights in Connecticut on the grounds of the denial of the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being because of parental omissions or commissions.

DEFINITIONS:

- “[T]he child has been denied, by reason of an act or acts of parental commission or omission, including, but not limited to sexual molestation and exploitation, severe physical abuse or a pattern of abuse, the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being. Nonaccidental or inadequately explained serious physical injury to a child shall constitute prima facie evidence of acts of parental commission or omission sufficient for the termination of parental rights;” Conn. Gen. Stat. [§ 45a-717\(g\)\(2\)\(B\)](#) (2017) (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).
- **Abused:** “A child or youth may be found “abused” who (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;” Conn. Gen. Stat. [§ 46b-120\(7\)](#) (2017) (As amended by [Public Act 17-2](#), § 146, June Special Session, *effective July 1, 2019*).
- **Emotional injury:** “There is nothing in this clear statutory language that limits the acts of commission or omission to the serious physical injury of a child, rather than the serious emotional injury of a child.” [In re Sean H.](#), 24 Conn. App. 135, 144, 586 A.2d 1171 (1991), cert. den. 218 Conn. 904.
- **Prima facie evidence:** “The language regarding prima facie evidence shifts the burden of proof from the petitioner to the parent to show why a child with clear evidence of physical injury that is unexplained should not be permanently removed from that parent’s care.” Ibid.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
[§ 17a-112\(j\)\(3\)\(C\)](#). Termination of parental rights of child committed to commissioner.
[§ 45a-717\(g\)\(2\)\(B\)](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Carla C.](#), 167 Conn. App. 248, 259-260, 143 A.3d 677 (2016). “[P]arental conduct justifying termination of parental rights pursuant to § [45a-717 (g) (2)(B)] must occur after birth and ... the statute does not contemplate termination of parental rights upon the basis of prenatal conduct.’ *In re Valerie D.*, 223 Conn. 492, 513, 613 A.2d 748 (1992); *id.*, at 525, 613 A.2d 748 (mother's injection of cocaine hours before child's birth could not justify termination of mother's parental rights on ground of act of parental commission or omission).”
- [In re Josiah M.](#), Superior Court, Judicial District of Hartford, No. H12CP-12014529S (Dec. 10, 2012) (2012 WL 6846528) (2012 Conn. Super. LEXIS 3049). “[W]here termination is based on a claim of serious physical injury; two criteria must be met to establish prima facie evidence for termination of parental rights: the physical injury must be serious and it must be nonaccidental or inadequately explained.’ *In re Jessica M.*, *supra*, 49 Conn. App. at 241. In the absence of a statutory definition of ‘serious physical injury,’ the Appellate Court reasoned that it must entail something more than a showing of abuse or neglect given that the definitions for those terms ‘use only the words physical injury or injuries not serious physical injury.’ *Id.*, at 242. The court must determine whether the requisite injury has befallen the child as a result of actual acts of commission or omission by the parents. *In re Keizer M.*, *supra*, 33 Conn. App. at 20.”
- [In re Nelmarie O.](#), 97 Conn. App. 624, 628-629, 905 A.2d 706 (2006). “The respondent next claims that the court improperly found that she had failed to provide for the emotional well-being of N and Y pursuant to § 17a-112(j)(3)(C). In support of her claim, the respondent points out that she did not physically abuse N and Y and that she was not the biological mother or legal guardian of E. Section 17a-112(j), however, provides in relevant part that the court ‘may grant a petition [for termination of parental rights] if it finds by clear and convincing evidence ... (3) that ... (C) the child has been denied, by reason of an act or acts of parental commission or omission including, but not limited to ... the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being....’ That statute does not require that the children who are the subjects of the termination petition be abused physically. See *In re Sean H.*, 24 Conn. App. 135, 144, 586 A.2d 1171, cert. denied, 218 Conn. 904, 588 A.2d 1078 (1991).”
- [In re Carissa K.](#), 55 Conn. App. 768, 782-3, 740 A.2d 1232 (1999). “The court found that C had been sexually abused by D because the department’s expert testified that C’s description of abuse was articulate and that she was able to make distinctions between what her maternal uncle did to her and what D did to her.”
- [In re Tabitha T.](#), 51 Conn. App. 595, 603, 722 A.2d 1232 (1999). “While the children were in the respondent’s care,

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the respondent failed to protect them from sexual abuse by their older brother. At one point, the respondent specifically told Tabitha not to disclose to therapist Martha Roberts anything about the sexual abuse or any other goings on of the family.”

- [In Re Felicia D.](#), 35 Conn. App. 490, 502, 646 A.2d 862 (1994), cert. den. 231 Conn. 931 (1994). “The trial court found that Janelle was a victim of sexual abuse, and had sustained serious head injuries. Janelle received the injuries while in the respondent's care and the respondent offered no explanation consistent with those injuries. The court also found that although the respondent was not the person who inflicted serious physical injury on Janelle, she continually exposed her to the risk of serious injury by associating with dangerous men. She did not act to protect Janelle from sustaining the injuries she received, and she did not acknowledge the possibility that her husband, Peter Signorino, might have caused the injuries. These circumstances, the court held, cast grave doubt on the respondent's ability to parent. We conclude that the trial court's conclusion that this ground for termination existed as to Janelle is legally correct and factually supported.”
- [In re Sean H.](#), 24 Conn. App. 135, 146, 586 A.2d 1171 (1991), cert. den. 218 Conn. 904. “We conclude that the statutory language ‘acts of commission and omission’ applies to custodial and noncustodial parents alike”
- [In re Luke G.](#), 40 Conn. Supp. 316, 324, 498 A.2d 1054 (1985). “The legislative history of § 45-61f (f)[now 45a-717(g)(2)] makes it clear that it was added to the law so that seriously abused children could be removed permanently from the care of the parent inflicting such abuse.”

WEST KEY NUMBERS:

- *Infants*
 XIV. Dependency, Permanency, and Termination Factors; Children in Need of Aid. #1811-#2440.
 #1881. In general.
 #1941. Deprivation, neglect, or abuse.
 #1993. Deprivation of services or education -- Medical and dental.
 #2001. Abandonment, absence, and nonsupport -- In general.
 #2048. Rehabilitation; reunification efforts -- Parent deprived of custody or contact; custodial interference.
 #2131. Evidence -- Presumptions, Inferences, and Burden of Proof; Prima Facie Rights -- Deprivation, neglect, or abuse.
 #2159. Evidence – Degree of proof -- Deprivation, neglect, or abuse.
 #2169. Evidence – Weight and sufficiency -- Dependency, Permanency, and Rights Termination.

ENCYCLOPEDIAS:

- *Grounds for Termination of Parental Rights*, 32 POF3d 83 (1995).
 - § 28. Physical evidence of neglect or abuse
 - § 29. Unexplained injuries
 - § 30. Expert opinion that child has been abused
- *Cause of Action for Termination of Parental Rights Based on Abuse or Neglect*, 53 COA 2d 523 (2012).

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
 - § 24. Nonconsensual Termination: Grounds
 - C. Acts of commission/omission

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Kurt M. Ahlberg, *In Re: M, A Minor*, 30 Quinnipiac Prob. L.J. 199 (2017).
- Michael J. Keenan, Note, *Connecticut's Trend In The Termination Of Parental Rights And What Can Be Done To Further It*, 10 Connecticut Probate Law Journal 269 (1996).

Section 3c: No Ongoing Parent-Child Relationship

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to termination of parental rights in Connecticut on the grounds of no on-going parent-child relationship.

DEFINITIONS:

- “[T]here is no ongoing parent-child relationship which is defined as the relationship that ordinarily develops as a result of a parent having met on a continuing, day-to-day basis the physical, emotional, moral and educational needs of the child and to allow further time for the establishment or reestablishment of the parent-child relationship would be detrimental to the best interests of the child;” Conn. Gen. Stat. [§ 45a-717\(g\)\(2\)\(C\)](#) (2017) (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).
- **Two-pronged determination:** “Ascertaining whether no ongoing parent-child relationship exists pursuant to § 45a-717 (g)(2)(C); see footnote 2 of this opinion; ‘requires the trial court to make a two-pronged determination. First, there must be a determination that no parent-child relationship exists, and, second, the court must look into the future and determine whether it would be detrimental to the child's best interests to allow time for such a relationship to develop.... The best interest standard ... does not become relevant until after it has been determined that no parent-child relationship exists.’ (Citation omitted; internal quotation marks omitted.) *In re Michael M.*, 29 Conn.App. 112, 128, 614 A.2d 832 (1992).” [In re Carla C.](#), 167 Conn. App. 248, 265, 143 A.3d 677 (2016).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017).
[§ 17a-112\(j\)\(3\)\(D\)](#). Termination of parental rights of child committed to commissioner.
[§ 45a-717\(g\)\(2\)\(C\)](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [In re Jacob W.](#), 178 Conn. App. 195, 211, --- A.3d ---- (2017). “In reaching our conclusion, we phrased the interference exception several different ways. The underlying principles are nonetheless consistent, and we reassert them now all together: Where a custodial parent unreasonably has interfered with a noncustodial parent's visitation or other efforts to maintain or establish an ongoing parent-child relationship such that the custodial

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- parent's unreasonable interference leads inevitably to the lack of an ongoing parent-child relationship, the noncustodial parent's parental rights cannot be terminated on the ground of no ongoing parent-child relationship."
- [In re Carla C.](#), 167 Conn. App. 248, 251, 143 A.3d 677 (2016). "We also agree with the respondent that when a custodial parent has interfered with an incarcerated parent's visitation and other efforts to maintain an ongoing parent-child relationship with the parties' child, the custodial parent cannot terminate the noncustodial parent's parental rights on the ground of no ongoing parent-child relationship."
 - [In re Lukas K.](#), 120 Conn. App. 465, 485, 992 A.2d 1142 (2010). "In *In re Jessica M.*, 217 Conn. 459, 586 A.2d 597 (1991), our Supreme Court defined an ongoing parent-child relationship as it applies to noncustodial parents. The court stated that termination of a noncustodial parent's rights requires a finding that the child has no present memories or feelings for the natural parent."
 - [In re Christian P.](#), 98 Conn. App. 264, 269, 907 A.2d 1261 (2006). "In considering whether an ongoing parent-child relationship exists, the feelings of the child are of paramount importance. . . . The ultimate question is whether the child has no present memories or feelings for the natural parent. . . . Feelings for the natural parent connotes feelings of a positive nature only.' (Citations omitted; internal quotation marks omitted.) *In re Jonathon G.*, 63 Conn. App. 516, 525, 777 A.2d 695 (2001)."
 - [In re Alexander C.](#), 67 Conn. App. 417, 426-427, 787 A.2d 608 (2001). "The respondent's separation from the child, his failure to seek out supervised visitation and his lack of interest in the child's life precluded the development of an ongoing parent-child relationship. We conclude, therefore, that the court's finding of a lack of an ongoing parent-child relationship was legally correct and factually supported."
 - [In re Shane P.](#), 58 Conn. App. 234, 240-241, 753 A.2d 409 (2000). "The evidence before the court was sufficient to support the conclusion that the child has no present memories of or feelings for the respondent. Shane does not refer to the respondent as his mother and has no memories of any maternal relationship with her. The respondent admitted at trial that Shane does not know her as he should know his mother. Rather, Shane refers to his foster mother as his mother. Although Shane does warm to the respondent when visiting her in prison, he is not eager to see her initially and seeks comfort from his foster parents after visits."
 - [In Re Passionique T.](#), 44 Conn. Supp. 551, 563-4, 695 A.2d 1107 (1996). "The child clearly knows that Linda T. is her mommy - or one of her mommies - and has no aversion or documented negative reaction to her visits. Even if Karen M. is identified as her principal mommy after eighteen months of being her primary caretaker, the fact that this is a natural result when custody is removed from a biological

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

parent by action of the department is a bar to using this fact to establish this ground for termination.” .

- [In Re Karrlo K.](#) 44 Conn. Supp. 101, 116, 669 A.2d 1249 (1994). “No ongoing parent-child relationship contemplates a situation in which, regardless of fault, a child either has never known their parents, or that no relationship has ever developed between them, or has definitely lost that relationship, so that despite its former existence it has now been completely displaced. In any case, the ultimate question is ‘whether the child has no present memories or feelings for the natural parent’ The mere recognition of an individual as a parent will not defeat this ground.”
- [In re Valerie D.](#), 223 Conn. 492, 494-497, 613 A.2d 748 (1992). “The dispositive issues in this appeal are whether: ... and (2) General Statutes § 45a-717(f)(3); see footnote 1, supra; as applied to the facts of this case, permits the termination of the same parental rights upon the basis of an absence of an ongoing parent-child relationship between the mother and the infant.”
- [In re Jessica M.](#), 217 Conn. 459, 469, 586 A.2d 597 (1991). “The Appellate Court, applying the statutory standard of ‘no ongoing parent-child relationship’ in the light of our decisions, has correctly concluded that the statute requires that a child have some ‘present memories or feelings for the natural parent’ that are positive in nature.”

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
D. No ongoing parent-child relationship

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Kurt M. Ahlberg, *In Re: M, A Minor*, 30 Quinnipiac Prob. L.J. 199 (2017).
- Michael J. Keenan, *Connecticut’s Trend In The Termination Of Parental Rights And What Can Be Done To Further It*, 10 Connecticut Probate Law Journal 269 (1996).
- Sharon I. Farquharson, *The “Two Prong” Inquiry—The Best Alternative For Conflicting Rights Involved In Proceedings For Termination Of Parental Rights*, 13 Connecticut Law Review 709 (1981).

Section 3d: Neglected & Uncared for

A Guide to Resources in the Law Library

SCOPE:

Bibliographic references relating to termination of parental rights in Connecticut on the grounds of neglect and uncared for child.

DEFINITIONS:

- **Neglected:** "A child or youth may be found 'neglected' who, for reasons other than being impoverished, (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally, or (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth;" Conn. Gen. Stat. [§ 46b-120](#)(6) (2017) (As amended by [Public Act 17-2](#), § 146, June Special Session, effective July 1, 2019).
- **Uncared for:** "A child or youth may be found 'uncared for' (A) who is homeless, (B) whose home cannot provide the specialized care that the physical, emotional or mental condition of the child or youth requires, or (C) who has been identified as a victim of trafficking, as defined in section 46a-170. For the purposes of this section, the treatment of any child or youth by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment;" Conn. Gen. Stat. [§ 46b-120](#)(8) (2017) (As amended by [Public Act 17-2](#), § 146, June Special Session, effective July 1, 2019).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017).
[§ 17a-112](#)(j)(3)(B) and (E). Termination of parental rights of child committed to commissioner.
[§ 45a-717](#)(g)(2). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, effective October 1, 2017).
Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication.

- Timothy D. Bleasdale, Office of Legislative Research, Connecticut General Assembly, *Law Governing Termination of Parental Rights in Cases of Medical Neglect and related issues*, OLR Report [2014-R-0135](#) (May 20, 2014).

CASES:

- [In re Egypt E.](#), 322 Conn. 231, 237-238, 140 A.3d 210 (2016). "With respect to the neglect petition on behalf of Mariam, the court made findings, principally based on the unexplained cause of Mariam's injuries, that Mariam was abused in that she sustained physical injuries by 'nonaccidental means,' was 'denied proper care and attention, physically, educationally, emotionally or morally,' and had been 'permitted to live under conditions,

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

circumstances or associations injurious to her well-being.' With respect to Egypt, the court found that she was neglected under the doctrine of predictive neglect on the ground that she lived in the same home where Mariam had sustained her injuries."

- [In re Alba P.-V.](#), 135 Conn. App. 744, 749, 42 A.3d 393 (2012). "General Statutes §17a-112(j)(3)(B)(i) provides that a court may terminate the parental rights to a child that 'has been found by the Superior Court or the Probate Court to have been neglected or uncared for in a prior proceeding....' Thus, the statute requires only a single prior adjudication of neglect as to the child who is the subject of a termination of parental rights petition."
- [In re Michael D.](#), 58 Conn. App. 119, 124, 752 A.2d 1135 (2000), cert. den. 245 Conn. 911 (2000). "Our statutes clearly and explicitly recognize the state's authority to act before harm occurs to protect children whose health and welfare may be adversely affected and not just children whose welfare has been affected. The commissioner need not show, but need simply allege, that there is a potential for harm to occur."
- [In re Kelly S.](#), 29 Conn. App. 600, 613, 616 A.2d 1161 (1992). "Actual incidents of abuse or neglect are not required in determining that a child is uncared for under the 'specialized needs' section of the statute For purposes of commitment of a child to the custody of the commissioner pursuant to 46b-129, proof of ongoing parenting deficiencies is sufficient to satisfy the statute where those deficiencies mean that the child's home is unable to provide the care required for her special needs."

WEST KEY NUMBERS:

- *Infants*
XIV. Dependency, Permanency, and Termination Factors; Children in Need of Aid. #1811-#2440.
#1941-#1990. Deprivation, neglect, or abuse.
#2169(4). Evidence – Weight and sufficiency -- Dependency, Permanency, and Rights Termination -- Deprivation, neglect, or abuse.

ENCYCLOPEDIAS:

- 59 Am. Jur. 2d *Parent and Child* (2012).
§ 16. Termination of relationship
§ 34. Loss or forfeiture of right
§ 35. —Burden of proof
- 43 C.J.S. *Infants* (2014).
§ 24. Termination of parental rights. Generally
§ 25. Less drastic alternatives; rehabilitation and reunification
§ 26. Policy considerations
§ 27. Determinative factors
§ 28. —Best interest of the child
- *Grounds for Termination of Parental Rights*, 32 POF3d 83 (1995)
§ 3. Grounds for termination of parental rights
§ 6. —Neglect.

- § 7. —Abuse
 - *Child Neglect*, 3 POF 2d 265 (1974).
 - §§ 25-43. Proof of physical neglect—malnutrition and lack of adequate clothing
 - §§ 44-71. Proof of emotional neglect—child’s emotional well-being endangered by parent’s disturbed condition
 - §§ 72-80. Proof of medical neglect—parent’s refusal to consent to blood transfusion during surgery for alleviation of facial disfigurement
 - *Cause of Action for Termination of Parental Rights Based on Abuse or Neglect*, 53 COA 2d 523 (2012).
 - *Determination that Child is Neglected or Dependent, or that Parental Rights Should be Terminated, on Basis that Parent Has Failed to Provide for Child's Education*, 6 A.L.R. 6th 161 (2005).
 - *Juvenile Court Proceedings*, 14 Am. Jur. Trials 619 (1968).
 - § 8. Neglected children

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
 - B. Failure to rehabilitate
 - E. Predictive failure to rehabilitate
- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
 - Chapter 13. Termination of Parental Rights
 - § 13:9. Grounds-Neglect and failure to protect.

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Michael J. Keenan, Note, *Connecticut's Trend In The Termination Of Parental Rights And What Can Be Done To Further It*, 10 Connecticut Probate Law Journal 269 (1996).
- John Gesmonde, Comment, *Emotional Neglect In Connecticut*, 5 Connecticut Law Review 100 (1972).

Section 3e: Failure to Rehabilitate

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to termination of parental rights in Connecticut on the grounds of parent's failure to rehabilitate themselves.

DEFINITIONS:

- **Personal rehabilitation** "as used in the statute refers to the restoration of a parent to his or her former constructive and useful role as a parent." [In re Migdalia M.](#), 6 Conn. App. 194, 203, 504 A.2d 533 (1986).
- "Personal rehabilitation refers to the reasonable foreseeability of the restoration of a parent to his or her former constructive and useful role as a parent, not merely the ability to manage his or her own life." *In re Stanley D.*, 61 Conn. App. 224, 230, 763 A.2d 83 (2000). [In re Kristy](#), 83 Conn. App. 298, 316, 848 A.2d 1276 (2004).
- **Two Prong Test:** "Both prongs of the test must be met to terminate parental rights for failure to achieve rehabilitation: one, that the parent has failed to achieve rehabilitation and, two, that there is no reason to believe that the parent could assume a responsible position in the life of the child within a reasonable time, *considering the age and needs of the child.*" [In re Roshawn R.](#), 51 Conn. App. 44, 55, 720 A.2d 1112 (1998).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017).
[§ 17a-112](#)(a). Termination of parental rights of child committed to commissioner.
[§ 45a-717](#)(g)(2). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).
Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Damian G.](#), 178 Conn. App. 220, 237-238, --- A.3d --- (2017). "Personal rehabilitation as used in the statute refers to the restoration of a parent to his or her former constructive and useful role as a parent [Section 17a-112] requires the trial court to analyze the [parent's] rehabilitative status as it relates to the needs of the particular child, and further, that such rehabilitation must be foreseeable within a reasonable time.... [The statute] requires the court to find, by clear and convincing evidence, that the level of rehabilitation [that the parent has] achieved, if any, falls short of that which would reasonably encourage a belief that at some future date she can assume a responsible position in her child's life [I]n assessing rehabilitation, the critical issue is not whether the parent has improved her ability to manage her own life, but rather whether she has gained the ability to care for the particular needs of the child at issue As part of the analysis, the trial court must obtain a historical perspective of the

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respondent's child caring and parenting abilities, which includes prior adjudications of neglect, substance abuse and criminal activity.' (Citations omitted; internal quotation marks omitted.) *In re Savannah Y.*, 172 Conn. App. 266, 275–76, 158 A.3d 864, cert. denied, 325 Conn. 925, 160 A.3d 1067 (2017)."

- [In re Luis N.](#), 175 Conn. App. 307, 316–317, 167 A.3d 476 (2017). "In general, the court found that the respondent had only facially complied with a number of the steps. His mere attendance at educational programs and his cooperation with service providers did not support the conclusion that he had achieved any degree of personal rehabilitation that encouraged the belief that, within a reasonable time, considering the ages of the children and their special needs, he could assume a responsible position in their lives. Although the respondent cooperated with the department, he had failed to make measurable progress toward the fundamental treatment goal of being able to provide a safe and nurturing environment for the children. The court concluded that the petitioner had met her burden of proving by clear and convincing evidence that the respondent had failed to achieve rehabilitation within the meaning of a § 17a–112 (j) (3) (B) (i)."
- [In re Luis N.](#), 175 Conn. App. 271, 305, 165 A.3d 1270 (2017). "[W]e conclude that there is clear and convincing evidence to support the court's conclusion that the respondent failed to rehabilitate. The court acknowledged the respondent's love for L.N. and M.N., her desire for reunification, and her wish to have the children live with her and E.T. We agree with the court that the respondent's desires, however sincere, are insufficient to sustain the children and to provide them with a safe, secure, and permanent environment. See *In re Sydnei V.*, supra, 168 Conn.App. at 548–49, 147 A.3d 147. The court aptly stated that, even if the respondent is able to care for E.T. and has improved her parenting skills, that progress is *too little and too late for the children* who are the subject of the present termination of parental rights petitions."
- [In re James O., Jr.](#), 322 Conn. 636, 639–640, 142 A.3d 1147 (2016). "The respondent claims that the Appellate Court improperly affirmed the trial court's judgment terminating her parental rights pursuant to General Statutes (Rev. to 2013) § 17a–112 (j)(3)(B) because the trial court engaged in an improper comparison between the parenting abilities of the respondent and those of Paula M. to support the court's conclusion that the respondent had failed to reach a sufficient level of personal rehabilitation. We disagree and affirm the judgment of the Appellate Court."
- [In re Leilah W.](#), 166 Conn. App. 48, 68, 141 A. 3d 1000 (2016). "' A conclusion of failure to rehabilitate is drawn from both the trial court's factual findings and from its weighing of the facts in assessing whether those findings satisfy the failure to rehabilitate ground set forth in § 17a–

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- 112 (j)(3)(B)...”
- [In re Alison M.](#), 127 Conn. App. 197, 208, 15 A.3d 194 (2011). “The court found that the respondent demonstrated personal progress, for example, by making her home safer and cleaner and by obtaining employment. Nevertheless, the court observed: ‘One cannot, however, confuse ability to care for oneself and the ability to care for one’s children. [The respondent] has the desire and motivation to parent. “Lamentably, motivation to parent is not enough; ability is required.” *In re G.S.*, 117 Conn. App. 710, 718, [980 A.2d 935, cert. denied, 294 Conn. 919, 984 A.2d 67 (2009)]. [The respondent] has not demonstrated that she has made sufficient progress with respect to her ability to parent the children.’”
 - [In re Jazmine B.](#), 121 Conn. App. 376, 388, 996 A.2d 286 (2010). “The respondent finally argues that because he substantially complied with the specific steps set forth by the court, it was improper for the court to determine that he had failed to achieve a sufficient degree of personal rehabilitation. The court considered the respondent’s compliance with some of the department’s recommendations and stated that ‘[i]n light of the facts of this case, completion of parenting classes alone does not establish rehabilitation.’ See *In re Coby C.*, 107 Conn. App. 395, 406, 945 A.2d 529 (2008) (rejecting claim that substantial compliance with specific steps bars court from terminating parental rights).”
 - [In Re Lee](#), 104 Conn. App. 121, 136-137, 931 A.2d 949 (2007) “The respondent’s argument loses sight of the fact that, for the purpose of the court’s ultimate determination regarding whether her parental rights should be terminated, the relevant testimony elicited from the respondent was that she permitted someone who she knew very clearly had a problem with substance abuse to reside in her home with her children. Because the court found that the respondent generally was aware of her fifth husband’s drinking problem, it was appropriate for the court to consider this as a factor when assessing the respondent’s progress toward rehabilitation.”
 - [In re Vincent D.](#), 65 Conn. App. 658, 669, 783 A.2d 534 (2001). “Pursuant to § 17a-112 (c) (3) (B), the failure of a parent to achieve sufficient personal rehabilitation is one of six grounds for termination of parental rights. This ground has been established if the parent of a child, after a judicial finding of neglect, fails to achieve a degree of rehabilitation sufficient to encourage the belief that at some future date within a reasonable time, considering the age and needs of the child, the parent could assume a responsible position in the life of that child.”
 - [In re Cesar G.](#), 56 Conn. App. 289, 292-3, 742 A.2d 428 (2000). “The burden is clearly upon the persons applying for the revocation of commitment to allege and prove that cause for commitment no longer exists. Once that has been established, the inquiry becomes whether a continuation of

the commitment will nevertheless serve the child's best interests. On this point, when it is the natural parents who have moved to revoke commitment, the state must prove that it would not be in the best interests of the child to be returned to his or her natural parents. In re Juvenile Appeal (Anonymous), 177 Conn. 648, 659, 420 A.2d 875 (1979).’ In re Thomas L., 4 Conn. App. 56, 57, 492 A.2d 229 (1985).”

WEST KEY NUMBERS:

- *Infants*
 XIV. Dependency, Permanency, and Termination Factors; Children in Need of Aid. #1811-#2440.
 #1911-#1940. Unfitness or Incompetence of Parent or Person in Position Thereof
 #1941-#1990. Deprivation, neglect, or abuse.
 #2021-#2060. Rehabilitation; reunification efforts.

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
 B. Failure to rehabilitate
 E. Predictive failure to rehabilitate

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Sharon I. Farquharson, Comment, *The "Two Prong" Inquiry—The Best Alternative For Conflicting Rights Involved In Proceedings For Termination Of Parental Rights*, 13 Connecticut Law Review 709 (1981).

Section 3f: Parent Has Killed or Committed an Assault upon another Child of the Parent

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to termination of parental rights in Connecticut on the grounds of the deliberate killing or attempt to kill or committing an assault resulted in serious bodily injury upon another child of the parent.

DEFINITIONS:

- “[T]he parent has killed through deliberate, nonaccidental act another child of the parent or has requested, commanded, importuned, attempted, conspired or solicited such killing or has committed an assault, through deliberate, nonaccidental act that resulted in serious bodily injury of another child of the parent;” Conn. Gen. Stat. [§ 45a-717\(g\)\(2\)\(F\)](#) (2017) (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017) [§ 17a-112\(j\)\(3\)\(F\)](#). Termination of parental rights of child committed to commissioner. [§ 45a-717\(g\)\(2\)\(F\)](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication.

- 1998 Conn. Acts 241 §§ 8 and 9
- Lawrence K. Furbish, Office of Legislative Research, Connecticut General Assembly, *Federal Adoption and Safe Families Requirements*, OLR Report [98-R-0627](#) (April 17, 1998).

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Rachel J.](#), 97 Conn. App. 748, 756, 905 A.2d 1271 (2006). “As to N, the sole ground alleged in the termination petition was that the respondent ‘committed an assault, through [a] deliberate non-accidental act that resulted in serious bodily injury of another child ... of the parent’ under §17a-112(j)(3)(F). The court found that, at trial, there was no real dispute as to whether the respondent's actions resulted in serious bodily injury to R or that the respondent failed to seek medical attention for R for several days thereafter. It continued: ‘[Section 17a-112 (j)(3)(F)] clearly sets out as a ground for termination of parental rights the assault of another child in the home. Here, although [N], a very young, medically fragile child, was not the subject of the physical abuse, she lived in the home with [R] and [the respondent] and was subjected to an atmosphere which resulted in the severe assault of her sister. The court finds by clear and convincing evidence that

this ground has been proven.”

**TEXTS &
TREATISES:**

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- Ralph H. Folsom & Gayle B. Wilhelm, [Incapacity, Powers of Attorney and Adoption in Connection 3d](#) (2017).
§ 5:8. Hearing, investigation and report, ground for termination of parental rights, consent terminations.

Section 3g: Parent Committed Sexual Assault Resulting in Conception of the Child

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to termination of parental rights in Connecticut upon the grounds of a conviction of sexual assault resulting in the conception of a child.

DEFINITIONS:

- “**Sexual assault** as described in section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force as described in section 53a-70b, if such act resulted in the conception of the child; ...” Conn. Gen. Stat. [§ 45a-717](#) (g)(2)(G) (2017). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017).
[§ 17a-112](#)(j)(3)(G). Termination of parental rights of child committed to commissioner.
[§ 45a-717](#)(g)(2)(G)-(H), and (h). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*)
- [Public Act 16-70](#), §§ 1 and 2
- [Public Act 00-137](#), §§ 1 and 12
- [Public Act 98-241](#), §§ 8 and 9.
- Paul Frisman, Office of Legislative Research, Connecticut General Assembly, *Acts Affecting Children*, OLR Report [2016-R-0110](#) (June 13, 2016).
"A new law reduces the standard of proof a Superior Court or probate court judge must apply when determining whether to terminate parental rights in cases where a child was conceived as a result of a sexual assault." p. 9
- Lawrence K. Furbish, Office of Legislative Research, Connecticut General Assembly, *Federal Adoption and Safe Families Requirements*, OLR Report [98-R-0627](#) (April 17, 1998).

TEXTS & TREATISES:

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- Ralph H. Folsom & Gayle B. Wilhelm, [Incapacity, Powers of Attorney and Adoption in Connection 3d](#) (2017).
§ 5:8. Hearing, investigation and report, ground for termination of parental rights, consent terminations.

Table 7: Proof of Grounds for Terminating Parental Rights

Proof of Grounds for Terminating Parental Rights 32 POF 3d 83 (1995) Jacqueline D. Stanley	
II. Elements of Proof	
	§ 11. Proof of grounds for termination of parental rights; Checklist
III. Model Discovery	
	§ 12. Petitioner's interrogatories to defendant
IV. Proof of grounds for terminating parental rights	
A. Testimony of social worker	§ 13. Failure to provide appropriate supervision § 14. Failure to provide a stable home § 15. Failure to provide necessities § 16. Signs of alcohol or drug abuse § 17. Failure to provide contact, love or affection § 18. Failure to correct problems § 19. Failure to support, contact or plan for the future of child in foster care
B. Testimony of Psychologist	§ 20. Mental incapacity § 21. Emotional instability § 22. Overall observations
C. Testimony of Natural Father [Defendant]	§ 23. Failure to resume custody of a child in foster care § 24. Failure to provide financial support § 25. Failure to contact or communicate with child § 26. Incarceration § 27. Failure to use available resources
D. Testimony of Pediatrician	§ 28. Physical evidence of neglect or abuse § 29. Unexplained injuries § 30. Expert opinion that child has been abused
E. Testimony of Child Psychologist	§ 31. Expert opinion that termination is in the child's best interest

Section 4: Procedures in Termination of Parental Rights

A Guide to Resources in the Law Library

- "A petition for termination of parental rights shall be entitled 'In the interest of (Name of child), a person under the age of eighteen years', and shall set forth with specificity: (1) The name, sex, date and place of birth, and present address of the child; (2) the name and address of the petitioner, and the nature of the relationship between the petitioner and the child; (3) the names, dates of birth and addresses of the parents of the child, if known, including the name of any putative father named by the mother, and the tribe and reservation of an American Indian parent; (4) if the parent of the child is a minor, the names and addresses of the parents or guardian of the person of such minor; (5) the names and addresses of: (A) The guardian of the person of the child; (B) any guardians ad litem appointed in a prior proceeding; (C) the tribe and reservation of an American Indian child; and (D) the child-placing agency which placed the child in his current placement; (6) the facts upon which termination is sought, the legal grounds authorizing termination, the effects of a termination decree and the basis for the jurisdiction of the court; (7) the name of the persons or agencies which have agreed to accept custody or guardianship of the child's person upon disposition." Conn. Gen. Stat. [§ 45a-715](#)(b) (2017) (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
- "If the information required under subdivisions (2) and (6) of subsection (b) of this section is not stated, the petition shall be dismissed. If any other facts required under subdivision (1), (3), (4), (5) or (7) of subsection (b) of this section are not known or cannot be ascertained by the petitioner, he shall so state in the petition. If the whereabouts of either parent or the putative father named under subdivision (3) of subsection (b) of this section are unknown, the petitioner shall diligently search for any such parent or putative father. The petitioner shall file an affidavit with the petition indicating the efforts used to locate the parent or putative father." Conn. Gen. Stat. [§ 45a-715](#)(c) (2017) (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
- "In a termination of parental rights case, the adjudicatory phase of the case focuses on the parent; the dispositional phase focuses on the best interest of the child." [In re Bacyany R.](#), 169 Conn. App. 212, 231, 150 A.3d 744 (2016)

Section 4a: Jurisdiction

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to jurisdictions of the Probate and Superior (Juvenile) courts in a termination of parental rights in Connecticut.

DEFINITIONS:

- **Probate Court:** "A petition under this section shall be filed in the court of probate for the district in which the petitioner or the child resides or, in the case of a minor who is under the guardianship of any child care facility or child-placing agency, in the court of probate for the district in which the main office or any local office of the agency is located. If the petition is filed with respect to a child born out of wedlock, the petition shall state whether there is a putative father to whom notice shall be given under subdivision (2) of subsection (b) of section 45a-716." Conn. Gen. Stat. [§ 45a-715\(e\)](#) (2017) (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
- **Superior Court:** "Before a hearing on the merits in any case in which a petition for termination of parental rights is contested in a court of probate, the court of probate shall, on the motion of any legal party except the petitioner, or may on its own motion or that of the petitioner, under rules adopted by the judges of the Supreme Court, transfer the case to the Superior Court." Conn. Gen. Stat. [§ 45a-715\(g\)](#) (2017) (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
- **Transfer to Another Judge of Probate:** "In addition to the provisions of this section, the probate court may, on the court's own motion or that of any interested party, transfer any termination of parental rights case to another judge of probate, which judge shall be appointed by the Probate Court Administrator from a panel of qualified probate judges who specialize in children's matters. Such panel shall be proposed by the Probate Court Administrator and approved by the executive committee of the Connecticut Probate Assembly." Conn. Gen. Stat. [§ 45a-715\(g\)](#) (2017) (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
- **Transfer:** "If the case is transferred, the clerk of the Court of Probate shall transmit to the clerk of the Superior Court, or the probate court to which the case was transferred, the original files and papers in the case. The Superior Court or the probate court to which the case was transferred, upon hearing after notice as provided in sections 45a-716 and 45a-717, may grant the petition as provided in section 45a-717." Conn. Gen. Stat. [§ 45a-715\(g\)](#) (2017) (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).

STATUTES:

- Conn. Gen. Stat. (2017)
[§ 17a-112](#). Termination of parental rights of child

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

LEGISLATIVE:

[OLR](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#). Probate Court rules are [available](#) on the CT Probate Court website.

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

TEXTS & TREATISES:

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committed to commissioner.

[§ 45a-715](#). (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).

Petition to terminate parental rights

[§ 45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.

[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing. Investigation and report.

[§ 46b-121](#). "Juvenile matters" defined. Authority of court.

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Backgrounder: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)
- [Connecticut Probate Court Rules of Procedure](#) (2017)
Rule 40. Children's Matters: General Provisions
Section 40.16. Transfer of contested removal or termination petition to Superior Court
- Conn. Practice Book (2017)
[Chapter 35a](#). Hearings concerning neglected, uncared for and dependent children and termination of parental rights
§ 35a-19. Transfer from Probate Court of petitions for removal of parent as guardian or termination of parental rights
- [In re Lori Beth D.](#), 21 Conn. App. 226, 229, 572 A.2d 1027 (1990). "We read this rule [7.2 of the Probate Court Rules] to mean that whether a hearing is held on a petitioner's motion to transfer is within the discretion of the Probate Court, but that *if* the court, in fact, decides to hold a hearing, notice of such 'hearing,' in accordance with the procedure set out in Rule 7.6, becomes mandatory."
- [In re Theresa S.](#), 196 Conn. 18, 30, 491 A.2d 355 (1985). "The parents' rights can be terminated without an ensuing adoption."
- Ralph H. Folsom & Gayle B. Wilhelm, [Probate Jurisdiction and Procedure in Connecticut 2d](#) (2017).
§ 2:27. Probate court jurisdiction over termination of parental rights and child custody
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
21. Termination petitions.

A. Introduction

- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
Chapter 13. Termination of Parental Rights
§ 13:2. Jurisdiction.

Section 4b: Petition for TPR

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the content, form and amendment of a petition for termination of parental rights in Connecticut.

DEFINITIONS:

- **Petition:** “means a formal pleading, executed under oath, alleging that the respondent is within the judicial authority’s jurisdiction to adjudicate the matter which is the subject of the petition by reason of cited statutory provisions and seeking a disposition. Except for a petition for erasure of record, such petitions invoke a judicial hearing and shall be filed by any one of the parties authorized to do so by statute.” Conn. Practice Book [§ 26-1\(l\)](#) (2017).
- **Diligently search:** “If the whereabouts of either parent or the putative father named under subdivision (3) of subsection (b) of this section are unknown, the petitioner shall diligently search for any such parent or putative father. The petitioner shall file an affidavit with the petition indicating the efforts used to locate the parent or putative father.” Conn. Gen. Stat. [§ 45a-715\(c\)](#) (2017) (As amended by [Public Act 17-136](#), § 8, January 2017 Session, effective October 1, 2017).
- **Statutory parent:** “means the Commissioner of Children and Families or the child-placing agency appointed by the court for the purpose of the adoption of a minor child or minor children;” Conn. Gen. Stat. [§ 45a-707\(7\)](#). (2017). See [Table 8](#)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017).
[§ 17a-112\(a\)](#). Termination of parental rights of child committed to commissioner.
[§ 45a-715\(b\),\(c\),\(f\)](#). (As amended by [Public Act 17-136](#), § 8, January 2017 Session, effective October 1, 2017). Petition to terminate parental rights

LEGISLATIVE:

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Background: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#). Probate Court rules are [available](#) on the CT Probate Court website.

- Conn. Practice Book (2017).
Procedures in Juvenile Matters
[Chapter 33a](#). Petitions for neglect, uncared for, dependency and termination of parental rights: initiation of proceedings, orders of temporary custody and preliminary hearings
§ 33a-1. Initiation of judicial proceeding;
Contents of petitions and summary of facts
§ 33a-2. Service of summons, petitions and ex

- parte orders
- § 33a-3. Venue
- § 33a-4. Identity or location of respondent unknown
- § 33a-5. Address of person entitled to personal service unknown
- § 33a-6. Order of temporary custody; Ex parte orders and orders to appear
- § 33a-7. Preliminary order of temporary custody or first hearing; Actions by judicial authority
- § 33a-8. Emergency, life-threatening medical situations—Procedures

- [Connecticut Probate Court Rules of Procedure](#) (2017)
 - Rule 41. Children’s Matters: Regional Children’s Probate Courts
 - Section 41.3 Files and reports of probate court Officer
 - Rule 72. News Media Coverage
 - Section 72.2. News media coverage not permitted

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms. Please visit the Connecticut Probate Court website for [Probate Court Forms](#)

- Probate Court
 - [PC-600](#). Application, termination of parental rights
- Superior Court, Juvenile Matters
 - [JD-JM-40](#) Rev. 6-16. Notice/Summons and Order for Hearing – Termination of Parental Rights
- *Cause of Action for Adoption Without Consent Of Parent On Ground Of Abandonment*, 16 COA 219 (1988).
 - § 35. Sample petition
 - § 36. Sample answer
- 19 Am. Jur. Pleading and Practice Forms *Parent and Child* (2007)
 - § 89. Petition or application-To terminate parental rights of incompetent parent-By state agency and foster parent

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [In re Jayce O.](#), 323 Conn. 690, 712, 150 A.3d 640 (2016).
 “As we have already observed, § 17a-112 (j) (3) (B) (i), unlike § 17a-112 (j) (3) (E), does not require the petitioner to prove that the parent had a prior termination of parental rights with respect to another child. There are two additional distinctions between § 17a-112 (j) (3) (B) (i) and (E), that are noteworthy. First, in order to terminate a parent's rights under § 17a-112 (j) (3) (B) (i), the parent must have been provided with specific steps toward the goal of rehabilitation. By contrast, under § 17a-112 (j) (3) (E), a parent's rights may be terminated without the provision of specific steps. Second, under § 17a-112 (j) (3) (B) (i), the trial court may grant a petition for termination only if there was a finding of neglect in a *prior* proceeding, whereas pursuant to § 17a-112 (j) (3) (E), the petitioner may seek a simultaneous adjudication of neglect and a

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- judgment terminating parental rights.”
- [In re Xavier D.](#), 113 Conn. App. 478, 480, 966 A.2d 810, 811 (2009). “The respondent moved to strike the neglect petition and to dismiss the termination petition because they were based on a charge of physical abuse of the child that was not supported by the petitioner’s specific allegations of parental misconduct. Acknowledging her error, the petitioner moved to correct the neglect petition, alleging that, as a result of a clerical oversight, she had mistakenly checked the box on the pleading form charging the respondent with physical abuse rather than the boxes charging that the child had been denied proper care and had been permitted to live under conditions, circumstances or associations injurious to his well-being....The court’s dismissal of the termination petition is the sole basis for the respondent’s claim that the termination of her parental rights should be reversed. We disagree with the respondent.”
- [In re Angellica W.](#), 49 Conn. App. 541, 548, 714 A.2d 1265 (1998). “The trial court, however, correctly pointed out that ‘actually, it’s a matter of proof, really, rather than whether they have the right to amend. I think they have the right to amend, to allege whatever they want and the burden is on them to prove whatever they allege.’ Furthermore, Practice Book § 1055.1, now Practice Book (1998 Rev.) § 35-1 . . . provides that amendments to the petition may be made at any time prior to a final adjudication. We will not disturb the trial court’s decision to allow amendments to the petition unless there has been an abuse of discretion Since the rules of practice allow amendment, we cannot say that the trial court abused its discretion in this case by allowing amendment of the termination petition.”
- [In re Bruce R.](#), 34 Conn. App. 176, 181, 640 A.2d 643 (1994). “We conclude that under the present statutory scheme a parent may petition for the termination of his or her own parental rights and that a petition for the termination of parental rights is not dependent on a pending adoption or state custodial placement.”

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Ralph H. Folsom & Gayle B. Wilhelm, [Incapacity, Powers of Attorney and Adoption in Connection 3d](#) (2016).
§ 5:6. Termination of parental rights and appointment of guardian or statutory parent for adoption petition
- Lewis K. Parker, managing ed., [Connecticut Lawyers’ Deskbook: A Reference Manual](#), (3d ed. 2008).
Lynn B. Cochrane, *Child Protection*. “Termination of Parental Rights,” pp. 534-541
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.

§ 21. Termination petitions

Table 8: Statutory Parent

Statutory Parent	
Definition	"[T]he Commissioner of Children and Families or the child-placing agency appointed by the court for the purpose of the adoption of a minor child or minor children;" Conn. Gen. Stat. § 45a-707 (7). (2017)
Appointment	Conn. Gen. Stat. §§ 45a-717 , (As amended by Public Act 17-48 , § 13, January 2017 Session, <i>effective October 1, 2017</i>). 45a-718 (a), 17a-112 (2017)
Duties	Conn. Gen. Stat. § 45a-718 (b) (2017)
Removal	Conn. Gen. Stat. § 45-718 (c) (2017)
Resignation	Conn. Gen. Stat. § 45-718 (c) (2017)

Section 4c: Parties and Standing in TPR Proceedings

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to what persons or agencies have standing to bring a termination of parental rights in Connecticut.

DEFINITIONS:

- **Child (Probate Court):** "[P]rovided in any case hereunder where the child with respect to whom the petition is brought has attained the age of **twelve**, the child shall join in the petition." (emphasis added) Conn. Gen. Stat. [§ 45a-715\(a\)](#) (2017) (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
- **Child (Superior Court):** "In respect to any child in the custody of the Commissioner of Children and Families in accordance with section 46b-129, either the commissioner, or the attorney who represented such child in a pending or prior proceeding, or an attorney appointed by the Superior Court on its own motion, or an attorney retained by such child after attaining the age of **fourteen**, may petition the court for the termination of parental rights with reference to such child." (emphasis added) Conn. Gen. Stat. [§ 17a-112\(a\)](#) (2017).
- **Relative:** "any person descended from a common ancestor, whether by blood or adoption, not more than three generations removed from the child;" Conn. Gen. Stat. [§ 45a-707\(6\)](#) (2017).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
[§ 17a-112](#). Termination of parental rights of child committed to commissioner.
[§ 45a-715](#). (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
Petition to terminate parental rights. Cooperative postadoption agreements.

LEGISLATIVE:

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Backgrounder: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

CASES:

- [In re Jacob W.](#), 178 Conn. App. 195, 203, --- A.3d ---- (2017). "General Statutes § 45a-715(a)(2) permits a child's guardian, among others, to petition the Probate Court to terminate the parental rights of that child's parent(s)."
- [In re Santiago G.](#), 325 Conn. 221, 233-234, 157 A.3d 60 (2017). "This court 'has stated that a person or entity does

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- not have a sufficient interest to qualify for the right to intervene merely because an impending judgment will have some effect on him, her, or it. The judgment to be rendered must affect the proposed intervenor's direct or personal rights, not those of another.' (Internal quotation marks omitted.) *In re Joshua S.*, 127 Conn.App. 723, 729, 14 A.3d 1076 (2011), quoting *Horton v. Meskill*, supra, 187 Conn. at 195, 445 A.2d 579. Additionally, 'our cases have established that parties interested in the prospective adoption have no right to intervene in the termination proceeding. It is ... essential, in considering a petition to terminate parental rights, to sever completely the issues of whether termination is statutorily warranted and whether a proposed adoption is desirable.' (Internal quotation marks omitted.) *In re Baby Girl B.*, 224 Conn. 263, 275, 618 A.2d 1 (1992). Further, termination of parental rights proceedings concern *only* the rights of the respondent parent. See, e.g., General Statutes § 17a-112(n); see also *In re Denzel A.*, 53 Conn.App. 827, 835, 733 A.2d 298 (1999) ('[t]he purpose of the intervention ... in a termination of parental rights case does not include the right to effect an adoption or to obtain custody ... but is solely for the purpose of affecting the termination itself')."
- *In re David B.*, 167 Conn. App. 428, 448, 142 A.3d 1277 (2016). "The broad statutory grant of authority found in § 46b-121 is, in our view, sufficient to encompass the authority to order the substitution of parties if the court deems that a substitution is necessary to protect the welfare of a child. Consideration of the broad scope of this authority in light of the broader policy considerations underlying § 52-599, which clearly favors the continuation of an action despite the death of a party provided that the purpose of the action is not defeated, supports the proposition that if the petitioner in a termination of parental rights proceeding dies prior to a final resolution of the petition, the action should be permitted to move forward following the timely substitution of a party who, on his or her own, has the authority to bring such a petition on behalf of the minor child, including a newly appointed guardian."
 - *In re Miriam A.*, Superior Court, Judicial District of Danbury, Juvenile Matters at Danbury, No. D03CP11002826A (Sept. 2, 2011) (2011 WL 4582595) (2011 Conn. Super. LEXIS 2323). "The issue in this case is whether the state has standing to appeal from the decision of the probate court terminating the parental rights of Miriam's father by consent upon learning for the first time upon notice of the probate court decision that petitioner had withheld her application for benefits until after the probate court conducted the hearing on the voluntary termination of parental rights of Miriam A.'s parents. General Statutes § 45-288 provides that any person aggrieved by any order or decree of a probate court may appeal therefrom to the Superior Court. See *Lenge v. Goldfarb*, 169 Conn. 218, 220,

**TEXTS &
TREATISES:**

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- 363 A.2d 110 (1975)."
- [In re Bruce R.](#), 34 Conn. App. 176, 181, 640 A.2d 643 (1994). "We conclude that under the present statutory scheme a parent may petition for the termination of his or her own parental rights and that a petition for the termination of parental rights is not dependent on a pending adoption or state custodial placement."
 - Lewis K. Parker, managing ed., [Connecticut Lawyers' Deskbook: A Reference Manual](#), (3d ed. 2008).
Lynn B. Cochrane, *Child Protection*. "Termination of Parental Rights," pp. 534-541
 - Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
 - § 8. Neglect petitions
 - B. Parties and standing
 - § 21. Termination petitions
 - B. Parties and standing
 - 4 Sandra Morgan Little, [Child Custody and Visitation Law and Practice](#) (2017).
Chapter 28. Termination of parental rights
 - § 28.02[3]. Standing to maintain proceedings
 - [a]. In general
 - [b]. Foster parent standing
 - [c]. Grandparent standing
 - [d]. Child standing

Table 9: Who May Petition for TPR

<p style="text-align: center;">Conn. Gen. Stat. § 45a-715(a) (2017) (As amended by Public Act 17-136, § 8, January 2017 Session, effective October 1, 2017).</p> <p>"Any of the following persons may petition the Court of Probate to terminate parental rights of all persons who may have parental rights regarding any minor child or for the termination of parental rights of only one parent provided the application so states":</p>	
(1)	Either or both parents, including a parent who is a minor;
(2)	the guardian of the child
(3)	the selectmen of any town having charge of any foundling child;
(4)	a duly authorized officer of any child care facility or child-placing agency or organization or any children's home or similar institution approved by the Commissioner of Children and Families;
(5)	a relative of the child if the parent or parents have abandoned or deserted the child;
(6)	the Commissioner of Children and Families, provided the custodial parent of such minor child has consented to the termination of parental rights and the child has not been committed to the commissioner, and no application for commitment has been made;

Section 4d: Notice

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to notice in a TPR proceeding.
- SEE ALSO:**
- [§ 1e. Notice and opportunity to be heard](#)
- DEFINITIONS:**
- **Persons to receive notice:** "The court shall cause notice of the hearing to be given to the following persons, as applicable: (1) The parent or parents of the minor child, including any parent who has been removed as guardian on or after October 1, 1973, under section 45a-606; (2) the father of any minor child born out of wedlock, provided at the time of the filing of the petition (A) he has been adjudicated the father of such child by a court of competent jurisdiction, (B) he has acknowledged in writing that he is the father of such child, (C) he has contributed regularly to the support of such child, (D) his name appears on the birth certificate, (E) he has filed a claim for paternity as provided under section 46b-172a, or (F) he has been named in the petition as the father of the child by the mother; (3) the guardian or any other person whom the court deems appropriate; (4) the Commissioner of Children and Families; and (5) the Attorney General. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231." Conn. Gen. Stat. [§ 45a-716\(b\)](#) (2017).
 - **Representation by counsel:** "If the recipient of the notice is a person described in subdivision (1) or (2) of this subsection or is any other person whose parental rights are sought to be terminated in the petition, the notice shall contain a statement that the respondent has the right to be represented by counsel and that if the respondent is unable to pay for counsel, counsel will be appointed for the respondent. The reasonable compensation for such counsel shall be established by, and paid from funds appropriated to, the Judicial Department, except that in the case of a Probate Court matter, if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund." Conn. Gen. Stat. [§ 45a-716\(b\)](#) (2017).
 - **Service:** "Except as provided in subsection (d) of this section, notice of the hearing and a copy of the petition, certified by the petitioner, the petitioner's agent or attorney, or the clerk of the court, shall be served at least ten days before the date of the hearing by personal service or service at the person's usual place of abode on the

persons enumerated in subsection (b) of this section who are within the state, and by first class mail on the Commissioner of Children and Families and the Attorney General.” Conn. Gen. Stat. [§ 45a-716](#)(c) (2017).

- **Out of state or unknown persons:** “If the address of any person entitled to personal service or service at the person's usual place of abode is unknown, or if personal service or service at the person's usual place of abode cannot be reasonably effected within the state, or if any person enumerated in subsection (b) of this section is out of the state, a judge or the clerk of the court shall order notice to be given by registered or certified mail, return receipt requested, or by publication at least ten days before the date of the hearing. Any such publication shall be in a newspaper of general circulation in the place of the last-known address of the person to be notified, whether within or without this state, or, if no such address is known, in the place where the petition has been filed.” Conn. Gen. Stat. [§ 45a-716](#)(c) (2017).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
[§ 17a-112](#). Termination of parental rights of child committed to commissioner.
[§ 45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.
[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication.

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Background: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [In re Christian P.](#), 98 Conn. App. 264, 267-68, 907 A.2d 1261 (2006). “In accordance with the mandates of due process, it is axiomatic that parties whose rights are to be affected are entitled to notice. See General Statutes § 45a-716; see also *In re Donna M.*, 33 Conn. App. 632, 638, 637 A.2d 795 (in action for termination of parental rights, ‘[d]ue process requires notice that would be deemed constitutionally adequate in a civil or criminal proceeding’), cert. denied, 229 Conn. 912, 642 A.2d 1207 (1994). In this case, the petition for termination of parental rights regarding J did not assert lack of an ongoing parent-child relationship as a potential ground for termination. Because the respondent did not have notice of this claim, termination on this ground was improper.”
- [In re Savanna M.](#), 55 Conn. App. 807, 811, 740 A.2d 484 (1999). “Although the commissioner did fail to check the

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

box on the termination petition representing that the department made reasonable efforts toward reunification, the succeeding paragraphs of the petition alleging abandonment; lack of personal rehabilitation; denial of care, guidance and control by acts of omission or commission; and no ongoing parent-child relationship provided the respondent adequate notice of the proceedings against him."

- *In re Samantha B.*, 45 Conn. Supp. 468, 469, 722 A.2d 300 (1997), *aff'd* 51 Conn. App. 376 (1998), *cert. den.* 248 Conn. 902 (1999). "The mother's failure to object this late scheduling of the initial hearing thus constitutes a waiver of any right she might have had to do."
- *In re Jason P.*, 41 Conn. Supp. 23, 27, 549 A.2d 286 (1988). "With respect to a termination petition, service is required for parents, including a parent who has been removed as guardian and certain putative fathers. General Statutes § 45-61d (b)[now 45a-716]. All other persons desiring to participate, including the paternal grandmother in this case, are, by terminology, equitable parties whose intervention is discretionary with the court."

WEST KEY NUMBERS:

- *Infants*
XIV. Dependency, Permanency, and Termination Factors; Children in Need of Aid. #1811-#2440. #2070. Proceedings – Notice and process.

TEXTS & TREATISES:

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- Lewis K. Parker, managing ed., [Connecticut Lawyers' Deskbook: A Reference Manual](#), (3d ed. 2008).
Lynn B. Cochrane, *Child Protection*. "Termination of Parental Rights," pp. 534-541
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
21. Termination petitions
B. Parties and standing

Section 4e: TPR Hearing

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the hearing on a petition to terminate parental rights.

DEFINITIONS:

- **Two Phases:** "The hearing on a petition to terminate parental rights consists of a two phases, adjudication and disposition In the adjudicatory phase, the trial court determines whether one of the statutory grounds for termination of parental rights exists by clear and convincing evidence. If the trial court determines that a statutory ground for termination exists, it proceeds to the dispositional phase. In the dispositional phase, the trial court determines whether termination is in the best interest of the child." [In re Tabitha P.](#), 39 Conn. App. 353, 360, 664 A.2d 1168 (1995).
- **Seven Factors:** "In the dispositional phase of a termination of parental rights hearing, the trial court must determine whether it is established by clear and convincing evidence that the continuation of the respondent's parental rights is not in the best interest of the child. In arriving at this decision, the court is mandated to consider and make written findings regarding seven factors delineated in § 17a-112 (d)." *Ibid.*, 361-362.
- **Co-Terminous Petition:** "Any petition brought by the Commissioner of Children and Families to the Superior Court, pursuant to subsection (a) of section 46b-129, may be accompanied by or, upon motion by the petitioner, consolidated with a petition for termination of parental rights filed in accordance with this section with respect to such child. Notice of the hearing on such petitions shall be given in accordance with sections 45a-716 and 45a-717. The Superior Court, after hearing, in accordance with the provisions of subsection (i) or (j) of this section, may, in lieu of granting the petition filed pursuant to section 46b-129, grant the petition for termination of parental rights as provided in section 45a-717." Conn. Gen. Stat. [§ 17a-112\(l\)](#) (2017).
- **"Clear and Convincing Proof:** is a demanding standard denot[ing] a degree of belief that lies between the belief that is required to find the truth or existence of the [fact in issue] in an ordinary civil action and the belief that is required to find guilt in a criminal prosecution.... [The burden] is sustained if evidence induces in the mind of the trier a reasonable belief that the facts asserted are highly probably true, that the probability that they are true or exist is substantially greater than the probability that they are false or do not exist." [In re Carla C.](#), 167 Conn. App. 248, 258, 143 A.3d 677 (2016).

STATUTES:

- Conn. Gen. Stat. (2017)
[§ 17a-112](#). Termination of parental rights of child

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

LEGISLATIVE:

[OLR](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

committed to commissioner.

[§ 45a-715](#). (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).

Petition to terminate parental rights

[§ 45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.

[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Backgrounder: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)
- Conn. Practice Book (2017)
Procedures in Juvenile Matters
[Chapter 32a](#). Rights of parties neglected, uncared for and dependent children and termination of parental rights
 - § 32a-1. Right to counsel and to remain silent
 - § 32a-2. Hearing procedure; Subpoenas
 - § 32a-3. Standards of proof
 - § 32a-4. Child or youth witness
 - § 32a-5. Consultation with child or youth
 - § 32a-6. Interpreter
 - § 32a-7. Records
 - § 32a-8. Use of confidential alcohol and drug abuse treatment records as evidence
 - § 32a-9. Competency of parent[Chapter 34a](#). Pleadings, motions, and discovery neglected, uncared for and dependent children and termination of parental rights
[Chapter 35a](#). Hearings concerning neglected, abused and uncared for children and termination of parental rights
 - § 35a-3. Conterminous petitions
 - § 35a-19. Transfer from probate court of petitions for removal of parent as guardian or termination of parental rights
 - § 35a-21. Appeals in child protection matters

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

Adjudicatory Phase

- [In re Elijah C.](#), 326 Conn. 480, 500, 165 A.3d 1149 (2017). "During the adjudicatory phase, the trial court must determine whether one or more of the ... grounds for termination of parental rights set forth in § 17a-112[(j)(3) exist] by clear and convincing evidence.... In contrast to custody proceedings, in which the best interests of the child

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

are always the paramount consideration and in fact usually dictate the outcome, in termination proceedings, the statutory criteria must be met before termination can be accomplished and adoption proceedings begun.... Section [17a-112 (j) (3)] carefully sets out ... [the] situations that, in the judgment of the legislature, constitute countervailing interests sufficiently powerful to justify the termination of parental rights in the absence of consent.... If the trial court determines that a statutory ground for termination exists, then it proceeds to the dispositional phase."

"Also, as part of the adjudicatory phase, the department is required to prove, by clear and convincing evidence, that it has made reasonable efforts ... to reunify the child with the parent, unless the court finds ... that the parent is unable or unwilling to benefit from reunification" (Internal quotation marks omitted.) p. 500

- [In re Luis N.](#), 175 Conn. App. 307, 327-328, 167 A.3d 476 (2017). "First, we set forth 'the well established legal framework for deciding termination of parental rights petitions. [A] hearing on a petition to terminate parental rights consists of two phases: the adjudicatory phase and the dispositional phase. During the adjudicatory phase, the trial court must determine whether one or more of the ... grounds for termination of parental rights set forth in § 17a-112 [(j) (3)] exists by clear and convincing evidence.... If the trial court determines that a statutory ground for termination exists, then it proceeds to the dispositional phase. During the dispositional phase, the trial court must determine whether termination is in the best interests of the child.' (Internal quotation marks omitted.) *In re Elijah G.-R.*, 167 Conn.App. 1, 18-19, 142 A.3d 482 (2016)."

Dispositional Phase

- [In re Luis N.](#), 175 Conn. App. 271, 306, 165 A.3d 1270 (2017). "The substance of the respondent's claim is that it is not in the best interests of the children to terminate her parental rights because she loves them and they love her. Her claim is not a new one and, standing alone, it is insufficient to reverse the judgments terminating her parental rights. '[O]ur courts consistently have held that even when there is a finding of a bond between parent and child, it still may be in the child's best interest to terminate parental rights.'" (Citations omitted).
- [In re Savannah Y.](#), 172 Conn. App. 266, 281, 158 A.3d 864 (2017). "In the dispositional phase of a termination of parental rights hearing, the trial court must determine whether it is established by clear and convincing evidence that the continuation of the [parent's] parental rights is not in the best interests of the child. In arriving at that decision,

the court is mandated to consider and make written findings regarding seven factors delineated in ... § [17a-112 (k)]' (Internal quotation marks omitted.) *In re Alison M.*, supra, 127 Conn.App. at 204, 15 A.3d 194."

- [In re Carla C.](#), 167 Conn. App. 248, 258, 143 A.3d 677 (2016). "In the dispositional phase ... the emphasis appropriately shifts from the conduct of the parent to the best interest of the child.... The best interests of the child include the child's interests in sustained growth, development, well-being, and continuity and stability of [her] environment.... [T]he trial court must determine whether it is established by clear and convincing evidence that the continuation of the respondent's parental rights is not in the best interest of the child.' (Citations omitted; footnotes added; internal quotation marks omitted.) *In re Payton V.*, 158 Conn.App. 154, 160, 118 A.3d 166, cert. denied, 317 Conn. 924, 118 A.3d 549 (2015)."

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Lewis K. Parker, managing ed., [Connecticut Lawyers' Deskbook: A Reference Manual](#), (3d ed. 2008).
Lynn B. Cochrane, *Child Protection*. "Termination of Parental Rights," pp. 534-541
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
 - 21. Termination petitions
 - B. Parties and standing
- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
 - Chapter 13. Termination of Parental Rights
 - § 13:29. Adjudicatory hearing
 - § 13:30. Privilege
 - § 13:31. Use of experts
 - § 13:32. Use of lay witnesses
 - § 13:33. Dispositional hearing

Section 4f: Reasonable Effort to Locate and Reunify

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the requirement that Department of Children and Families make reasonable efforts to locate the parent and to reunify the child with the parent.

DEFINITIONS:

- “[R]easonable efforts means doing everything reasonable, not everything possible.” (Internal quotation marks omitted.) *In re Jason R.*, 129 Conn.App. 746, 767–68, 23 A.3d 18 (2011), *aff’d*, 306 Conn. 438, 51 A.3d 334 (2012).” *In re Savannah Y.*, 172 Conn. App. 266, 273, 158 A.3d 864 (2017).
- **Reasonable Efforts Finding:** “The Superior Court, upon notice and hearing as provided in sections 45a-716 and 45a-717, may grant a petition filed pursuant to this section if it finds by clear and convincing evidence that (1) the Department of Children and Families has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of section 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts, except that such finding is not required if the court has determined at a hearing pursuant to section 17a-111b, or determines at trial on the petition, that such efforts are not required,...” Conn. Gen. Stat. [§ 17a-112](#)(j) (2017).
- **Americans with Disabilities Act of 1990.** “In AC 25326, the respondent father claims that . . . (4) the department failed to make reasonable accommodations in the provision of reunification services pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq. . . .” *In re Brendan C.*, 89 Conn. App. 511, 514, 874 A.2d 826 (2005).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
[§ 17a-112](#). Termination of parental rights of child committed to commissioner.
[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).
Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- *In re Elijah C.*, 326 Conn. 480, 493, 165 A.3d 1149 (2017). “[T]his court determined that, [a]s part of a termination of parental rights proceeding, § 17a-112(j)(1) requires the department to prove by clear and convincing evidence that it has made reasonable efforts to locate the parent and to reunify the child with the parent, unless the court finds ... that the parent is unable or unwilling to benefit from reunification efforts Because the two clauses are

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separated by the word unless, [§ 17a-112(j)(1)] plainly is written in the conjunctive. Accordingly, the department must prove either that it has made reasonable efforts to reunify or, alternatively, that the parent is unwilling or unable to benefit from reunification efforts. Section 17a-112(j) clearly provides that the department is not required to prove both circumstances. Rather, either showing is sufficient to satisfy this statutory element." (Citation omitted; Internal quotation marks omitted)

- [In re Unique R.](#), 170 Conn. App. 833, 850-851, 156 A.3d 1 (2017). "Section 17a-111b (b) provides in relevant part: 'The Commissioner of Children and Families ... may, at any time, file a motion with the court for a determination that reasonable efforts to reunify the parent with the child are not required.... The court may determine that such efforts are not required if the court finds upon clear and convincing evidence that [at least one of five aggravating factors exists].' The aggravating factors listed in subsection (b) include, inter alia, instances where: the child has been abandoned; the parent has knowingly inflicted or knowingly allowed another to inflict sexual molestation or severe physical abuse upon the child; the parent has deliberately killed a sibling of the child; the parent has had his or her parental rights to another child terminated within the last three years and, during the prior termination proceeding, the department made reasonable efforts to reunify the parent with the child; or where the parent has surrendered his or her infant child to the care of the state."
- [In re Oreoluwa O.](#), 321 Conn. 523, 546, 139 A.3d 674 (2016). "Without updated medical information regarding Oreoluwa's ability to travel and medical needs, however, we conclude that the commissioner did not meet the burden of demonstrating that the department did 'everything reasonable' under the circumstances to reunite the respondent with Oreoluwa. See *In re Samantha C.*, supra, 268 Conn. at 632, 847 A.2d 883. Therefore, we conclude that the Appellate Court improperly determined that there was adequate evidentiary support for the trial court's finding that the department made reasonable efforts to reunify the respondent with Oreoluwa."
- [In re Quamaine K., Jr.](#), 164 Conn. App. 775, 782, 137 A.3d 951 (2016). "The respondent's first claim is that the court erred in finding, for the purposes of § 17a-112 (j)(1), that the department had made reasonable efforts to reunify her with the children in light of the fact that she has an IQ of 60, which the department did not take into consideration when determining what reasonable efforts to make toward reunification. We disagree."
- [In re Kyara H.](#), 147 Conn. App. 855, 873, 83 A.3d 1264 (2014). "This court has applied the general meaning of 'reasonable' and stated that '[i]t is axiomatic that the law does not require a useless and futile act.' *In re Antony B.*, 54 Conn. App. 463, 476, 735 A.2d 893 (1999). In *In re Antony B.*, the trial court's findings that the department

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made reasonable efforts at reunification were upheld in light of the fact that the respondent rejected many of the services offered to her and did not choose to accept services from the department. See *id.* Several other cases involving appeals from termination of parental rights judgments have held that the department is not required to continue to provide reasonable efforts to a parent when the parent refuses to participate or engage in any of those efforts."

- [In re Christopher L.](#), 135 Conn. App. 232, 243, 41 A.3d 664 (2012). "Moreover, even if the evidence established that additional services for the respondent's trauma issues might have been beneficial, such evidence would not necessarily render the trial court's finding clearly erroneous. See *In re Melody L.*, 290 Conn. 131, 147, 962 A.2d 81 (2009); *In re Alexander T.*, 81 Conn. App. 668, 673, 841 A.2d 274 ('[i]n light of the entire record, the failure to provide the referral, while a lapse, does not make the overall efforts of the department fall below the level of what is reasonable'), cert. denied, 268 Conn. 924, 848 A.2d 472 (2004)."
- [In re Kachainy C.](#), 67 Conn. App. 401, 411, 787 A.2d 592 (2001). "The language of § 17a-112(c) is clear: a finding that it is no longer appropriate for the department to make reasonable efforts to reunite the family must be made only once, either at an extension hearing or at a termination hearing. Common sense also tells us that it would be a waste of judicial resources to require courts to make redundant findings."

WEST KEY NUMBERS:

- *Infants*
XIV. Dependency, Permanency, and Termination Factors; Children in Need of Aid. #1811-#2440.
#2021-#2060. Rehabilitation; reunification efforts.

ENCYCLOPEDIAS:

- *Parents' Physical Illness or Physical Deficiency as Ground for Termination of Parental Rights—Applicability of Americans with Disabilities Act*, 27 A.L.R. 7th Art. 1 (2017).
- *Parents' Mental Illness or Mental Deficiency as Ground for Termination of Parental Rights—Issues Concerning Rehabilitative and Reunification Services*, 12 A.L.R. 6th 417 (2006).

TEXTS & TREATISES:

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- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
§ 25. Nonconsensual termination: other requirements
C. Reasonable efforts finding

Section 4g: Statutory Factors

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the seven statutory factors the courts consider in TPR proceedings in Connecticut.

SEE ALSO:

- [Table 10: Statutory Factors Considered in TPR](#)

DEFINITIONS:

- **Factors:** "Except in the case where termination is based on consent, in determining whether to terminate parental rights under this section, the court shall consider and shall make written findings regarding . . . [six factors see [Table 10](#) for list]" Conn. Gen. Stat. §§ [17a-112](#)(k) and [45a-717](#)(h) (2017) (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*)..

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
[§ 17a-112](#). Termination of parental rights of child committed to commissioner.
[§ 45a-717](#). (As amended by [Public Act 17-48](#), § 13, January 2017 Session, *effective October 1, 2017*).
Petition to terminate parental rights.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different.

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Background: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Daniel N.](#), 163 Conn. App. 798, 807, 134 A.3d 624 (2016). Appeal denied by *In re Daniel N.*, 321 Conn. 908, 135 A.3d 280 (2016). "The seven factors serve simply as guidelines for the court and are not statutory prerequisites that need to be proven before termination can be ordered.... There is no requirement that each factor be proven by clear and convincing evidence." (Internal quotation marks omitted)
- [In re Nevaeh W.](#), 317 Conn. 723, 740, 120 A.3d 1177 (2015) "Accordingly, we reaffirm our holding in *In re Eden F.* that, although a trial court shall consider and make written findings regarding the factors enumerated in § 17a-112(k), a trial court's determination of the best interests of a child will not be overturned on the basis of one factor if that determination is otherwise factually supported and legally sound."
- [In re Barbara J.](#), 215 Conn. 31, 47, 574 A.2d 203 (1990). "Whether the six factors listed in 17-43a (d) [now 17a-

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112(k)] are expressly considered in conjunction with or subsequent to the trial court's determination of whether the petitioner has produced the statutorily required proof of at least one of the alternatives listed in 17-43a (b) is without significance as long as no judgment of termination is rendered until after there has been full compliance with 17-43a. Although 17-43a does not mandate a bifurcated hearing, it does command a termination decision that clearly identifies the concerns of subsections (b), and (d). Bifurcating the termination decision, however enables the trial court to focus clearly on the statutory requirements of each subsection."

- *Infants*
 - XIV. Dependency, Permanency, and Termination Factors; Children in Need of Aid. #1811-#2440.
 - #1881. In general – In general.
 - #1886. In general – Needs, interest, and welfare of child.
 - #1890. In general – Parental relationship or bond.
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
 - § 25. Nonconsensual termination: other requirements
 - B. Seven dispositional factors
- Kurt M. Ahlberg, *In Re: M, A Minor*, 30 Quinnipiac Prob. L.J. 199, 208-209 (2017).

Table 10: Statutory Factors Considered in TPR

<p>Conn. Gen. Stat. §§ 17a-112(k) and 45a-717(h) (2017) (As amended by Public Act 17-48, § 13, January 2017 Session, <i>effective October 1, 2017</i>).</p> <p>Except in the case where termination is based on consent, in determining whether to terminate parental rights under this section, the court shall consider and shall make written findings regarding:</p>	
(1)	The timeliness, nature and extent of services offered, provided and made available to the parent and the child by an agency to facilitate the reunion of the child with the parent;
(2)	whether the Department of Children and Families has made reasonable efforts to reunite the family pursuant to the federal Adoption and Safe Families Act of 1997, as amended from time to time;
(3)	the terms of any applicable court order entered into and agreed upon by any individual or agency and the parent, and the extent to which all parties have fulfilled their obligations under such order;
(4)	the feelings and emotional ties of the child with respect to the child's parents, any guardian of such child's person and any person who has exercised physical care, custody or control of the child for at least one year and with whom the child has developed significant emotional ties;
(5)	the age of the child;
(6)	the efforts the parent has made to adjust such parent's circumstances, conduct, or conditions to make it in the best interest of the child to return such child home in the foreseeable future, including, but not limited to, (A) the extent to which the parent has maintained contact with the child as part of an effort to reunite the child with the parent, provided the court may give weight to incidental visitations, communications or contributions, and (B) the maintenance of regular contact or communication with the guardian or other custodian of the child; and
(7)	the extent to which a parent has been prevented from maintaining a meaningful relationship with the child by the unreasonable act or conduct of the other parent of the child, or the unreasonable act of any other person or by the economic circumstances of the parent.

Section 4h: Motion to Open or Set Aside

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to a motion to open or set aside a judgment terminating parental rights.

DEFINITIONS:

- **Motion to open or set aside:** "The court may grant a motion to open or set aside a judgment terminating parental rights pursuant to section 52-212 or 52-212a or pursuant to common law or may grant a petition for a new trial on the issue of the termination of parental rights, provided the court shall consider the best interest of the child, except that no such motion or petition may be granted if a final decree of adoption has been issued prior to the filing of any such motion or petition." Conn. Gen. Stat. [§ 45a-719](#) (2017).
- **Evidence:** "Any person who has legal custody of the child or who has physical custody of the child pursuant to an agreement, including an agreement with the Department of Children and Families or a licensed child-placing agency, may provide evidence to the court concerning the best interest of the child at any hearing held on the motion to reopen or set aside a judgment terminating parental rights." Ibid.
- **Best interest of the child:** "For the purpose of this section, 'best interest of the child' shall include, but not be limited to, a consideration of the age of the child, the nature of the relationship of the child with the caretaker of the child, the length of time the child has been in the custody of the caretaker, the nature of the relationship of the child with the birth parent, the length of time the child has been in the custody of the birth parent, any relationship that may exist between the child and siblings or other children in the caretaker's household, and the psychological and medical needs of the child. The determination of the best interest of the child shall not be based on a consideration of the socio-economic status of the birth parent or the caretaker." Ibid.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
[§ 45a-719](#). Reopening judgment terminating parental rights. Best interest of child. Final decree of adoption

LEGISLATIVE:

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Background: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

CASES:

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- [In re Zen T.](#), 165 Conn. App. 245, 252, 138 A.3d 469 (2016). "General Statutes § 45a-719 provides in relevant part that '[t]he court may grant a motion to open or set aside a judgment terminating parental rights ... provided the court shall consider the best interest of the child, except that no such motion or petition may be granted if a final decree of adoption has been issued prior to the filing of any such motion or petition....'"
- [In re Samuel R.](#), 163 Conn. App. 314, 320, 134 A.3d 752 (2016). "The trial court did not abuse its discretion in denying the motion to open without holding an evidentiary hearing because the respondent's motion did not present any facts that were not already known at the time of the trial. During the trial, the court had ample opportunity to closely observe the respondent's demeanor and her ability to assist her counsel and participate in the proceedings. We must give deference to the firsthand observations of the trial court judge. See *id.* In the motion to open judgment, the respondent did not allege any new facts regarding her competency that would not have been within the purview of the court during the trial on the merits."

"Accordingly, we need not consider the respondent's second claim that: 'The trial court abused its discretion when it denied the motion to open without addressing the standards set forth in *In re Alexander V.* [supra, 223 Conn. at 566, 613 A.2d 780].' These standards, which concern when a competency hearing of a parent is required for the purposes of a termination of parental rights hearing, do not apply to a motion to open and instead address issues that should be raised on direct appeal." p. 321

- [In re Zen T.](#), 151 Conn. App. 724, 731, 95 A.3d 1258 (2014). "The respondent next claims that her fourteenth amendment right to due process was violated because she was not appointed counsel for the motion to open. A parent has a statutory, not constitutional, right to appointed counsel in termination of parental rights proceedings. See *In re Isaiah J.*, 140 Conn.App. 626, 640, 59 A.3d 892, cert. denied, 308 Conn. 926, 64 A.3d 333, cert. denied sub nom *Megan J. v. Katz*, --- U.S. ----, 134 S.Ct. 317, 187 L.Ed.2d 224 (2013); see also *In re Elysa D.*, 116 Conn.App. 254, 265, 974 A.2d 834 (no federal or state constitutional right to appointed counsel in termination of parental rights proceedings), cert. denied, 293 Conn. 936, 981 A.2d 1079 (2009)."
- [In re Christopher G.](#), Superior Court, Judicial District of Stamford-Norwalk, No. F02CP03002800A (Dec. 17, 2008) (2008 WL 5540448) (2008 Conn. Super. LEXIS 3235). "General Statutes § 45a-719 provides that a judgment of termination of parental rights may be opened (1) pursuant to a motion to open filed within four months following the date on which it was rendered under General Statutes § 52-212 or 52-212a; (2) a common-law motion to open; or (3) a petition for a new trial. Since the present motions

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were clearly filed outside the four-month statutory period, §§ 52-212 and 52-212a are not applicable. Further, the motions on their face are not, nor can they be construed as, petitions for a new trial. A motion to open a stipulated judgment may be granted after the four-month limitation if it was obtained by fraud, duress, accident or mistake. *In Re Travis R.*, 80 Conn. App. 777, 781 n. 5, 838 A.2d 1000, cert. denied, 268 Conn. 904, 845 A.2d 409 (2004). A motion to open a judgment of termination of parental rights is an appropriate mechanism to assert fraud or mistake as the basis to set aside a consent to termination of parental rights. *In re Jonathan M.*, 255 Conn. 208, 238, 764 A.2d 739 (2001)."

- [In re Salvatore P.](#), 74 Conn. App. 23, 27, 812 A2d 70 (2002). "In seeking to open the termination judgments, the respondent had the burden at the hearing to do more than assert an unadorned claim that due to duress, she was unable to attend the termination trial."
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
 - § 26. Post-judgment procedures
 - B. Motions to open

TEXTS & TREATISES:

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Section 4i: Appeals in Juvenile Matters

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to appeals of TPR judgments.

DEFINITIONS:

- **Appeals in Child Protection Matters:** "Unless a different period is provided by statute, appeals from final judgments or decisions of the superior court in child protection matters shall be taken within twenty days from the issuance of notice of the rendition of the judgment or decision from which the appeal is taken or within twenty days from the granting of any extension to appeal pursuant to Section 79a-2." Conn. Practice Book [§ 35a-21\(a\)](#) (2017).
- **Indigent Party.** "If an indigent party, child or youth wishes to appeal a final decision, the trial attorney shall file an appeal or seek review by an appellate review attorney in accordance with the rules for appeals in child protection matters in Chapter 79a. The reviewing attorney determining whether there is a nonfrivolous ground for appeal shall file a limited "in addition to" appearance with the trial court for purposes of reviewing the merits of an appeal. If the reviewing attorney determines there is merit to an appeal, such attorney shall file a limited "in addition to" appearance for the appeal with the appellate court. The trial attorney shall remain in the underlying juvenile matters case in order to handle ongoing procedures before the local or regional juvenile court. Any attorney who files an appeal or files an appearance in the appellate court after an appeal has been filed shall be deemed to have appeared in the trial court for the limited purpose of prosecuting or defending the appeal." Conn. Practice Book [§ 35a-21\(b\)](#) (2017).
- **Extension:** "Unless a new appeal period is created pursuant to Section 79a-2 (a), the time to take an appeal shall not be extended past forty days, (the original twenty days plus one twenty day extension for appellate review), from the date of the issuance of notice of the rendition of the judgment or decision." Conn. Practice Book [§ 35a-21\(c\)](#) (2017).
- **Standard of Review:** "On appeal, we will disturb the findings of the trial court in both the adjudication and disposition only if they are clearly erroneous." [In re Tabitha P.](#), 39 Conn. App. 353, 362, 664 A.2d 1168 (1995)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2017)
 - [§ 17a-112](#). Termination of parental rights of child committed to commissioner.
 - [§ 45a-715](#). (As amended by [Public Act 17-136](#), § 8, January 2017 Session, *effective October 1, 2017*).
Petition to terminate parental rights
 - [§ 46b-142](#). **Venue of petitions. Appeal to Appellate Court. Expedited hearing in termination of parental rights appeals.**
 - [§ 46b-143](#). Notice of appeal.

LEGISLATIVE:

- Katherine Dwyer, Office of Legislative Research, Connecticut General Assembly, *Background: Termination of Parental Rights*, OLR Report [2017-R-0113](#) (September 27, 2017)

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2017).
 - [Chapter 35a](#). Hearings concerning neglected, abused and uncared for children and termination of parental rights
 - § 35a-21. Appeals in child protection matters
 - [Chapter 79a](#). Appeals in Child Protection Matters
 - § 79a-1 Child Protection Appeals Defined
 - § 79a-2 Time to Appeal
 - § 79a-3 Filing of the Appeal
 - § 79a-4 Waiver of Fees, Costs and Security
 - § 79a-5 Ordering Transcripts
 - § 79a-6 Format and Time for Filing Briefs and Appendices
 - § 79a-7 Motions for Extension of Time
 - § 79a-8 Docketing Child Protection Appeals for Assignment
 - § 79a-9 Oral Argument
 - § 79a-10 Submission without Oral Argument on Request of Parties
 - § 79a-11 Official Release Date
 - § 79a-12 Inspection of Records
 - § 79a-13 Hearings; Confidentiality
 - § 79a-14 Motions Filed with the Appellate Clerk
 - § 79a-15 Applicability of Rules

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Damian G.](#), 178 Conn. App. 220, 257, --- A.3d ---- (2017). "Although the respondent urges us to conclude that any factual error requires reversal under the type of 'mosaic' doctrine that applies in dissolution cases; see, e.g., *Grant v. Grant*, supra, 171 Conn. App. at 869, 158 A.3d 419; we reiterate that doctrine has not been applied in termination cases. Nor is such an approach appropriate under the statutory framework or our case law. See, e.g., *In re Selena O.*, supra, 104 Conn. App. at 645, 934 A.2d 860."
- [In re Elijah C.](#), 326 Conn. 480, 494, 165 A.3d 1149 (2017). "Accordingly, we concluded in *In re Jordan R.* that when, as in the present case, the trial court finds that the department has proven both statutory elements—the department made reasonable reunification efforts and the respondent was unable to benefit from them—the respondent's failure to challenge both findings on appeal renders the appeal moot because either one constitutes an independent, alternative basis for affirming the trial court's judgment."
- [In re Santiago G.](#), 325 Conn. 221, 223, 157 A.3d 60 (2017). "The dispositive issue in this appeal is whether the denial of a third party's motion to intervene in a proceeding brought to terminate the parental rights of a minor child's

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- biological mother is an appealable final judgment.”
- [In re Savannah Y.](#), 172 Conn. App. 266, 871, 158 A.3d 864 (2017). “Our standard of review on appeal from a termination of parental rights is whether the challenged findings are clearly erroneous.... The determinations reached by the trial court that the evidence is clear and convincing will be disturbed only if [any challenged] finding is not supported by the evidence and [is], in light of the evidence in the whole record, clearly erroneous.”
- [In re Zen T.](#), 165 Conn. App. 245, 252, 138 A.3d 469 (2016). “Despite this interest in expedited proceedings, in order to protect the rights of the biological parent, General Statutes § 46b–129b (a) provides in relevant part that the commissioner may file a petition for adoption only ‘after the expiration of any appeal or appeal period’ following the termination of parental rights...”
- [In re Deana E.](#), 61 Conn. App. 197, 205, 763 A.2d 45 (2000). “Our standard of review of a court’s decision to bifurcate a termination of parental rights hearing is well settled. The decision whether to bifurcate a termination of parental rights proceeding lies solely within the discretion of the trial court. See *State v. Anonymous*, 179 Conn. 155, 172-74, 425 A.2d 939 (1979); see also *In re Tabitha P.*, 39 Conn. App. 353, 360 n. 6, 664 A.2d 1168 (1995). ‘In reviewing claims that the trial court abused its discretion the unquestioned rule is that great weight is due to the action of the trial court and every reasonable presumption should be given in favor of its correctness; the ultimate issue is whether the court could reasonably conclude as it did’ (Internal quotation marks omitted.) *In re Jose C.*, 11 Conn. App. 507, 508, 512 A.2d 1239 (1987).”

WEST KEY NUMBERS:

- *Infants*
XIV. Dependency, Permanency, and Termination Factors; Children in Need of Aid. #1811-#2440. #2361-#2440. Appeal and review.

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Lewis K. Parker, managing ed., [Connecticut Lawyers’ Deskbook: A Reference Manual](#), (3d ed. 2008).
Lynn B. Cochrane, *Child Protection*. “Termination of Parental Rights,” pp. 534-541
- Paul Chill, [The Law Of Child Abuse And Neglect In Connecticut](#) (1997). Chapter 3, Termination of Parental Rights.
§ 17. Appeals
§ 21. Termination petitions
B. Parties and standing
- 2 Ann M. Haralambie, [Handling Child Custody, Abuse and Adoption Cases](#) 3d (2009).
Chapter 13. Termination of Parental Rights
§ 13:34. Appeal.