

**Treatment: Foster Care**

**Legal Risk Period**

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**Child Not Free for Adoption** If a Superior Court Judge terminates parental rights, the law allows the parent(s) to appeal the decision to the State Appellate Court. This means that until the Appellate Court has acted, the child is not free for adoption since there is the possibility that the trial court's decision could be reversed.

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**Difficult To Make Permanent Plan** This hiatus period between the time of a trial court decision and the decision of the Appellate Court is a difficult time for making a permanent plan for the child. Sometimes, this hiatus period can last for a year or more.

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**Legal Risk** In this kind of situation, the Department will attempt to find a legal risk home for the child. The legal risk family must be aware that there is a legal risk - the risk being that until a final decision is rendered by the Appellate Court, the child is not eligible for adoption. There is a further risk that the Appellate Court might over-rule the decision of the trial court.

Note: This scenario is a classic illustration of a legal risk situation, in that there is a strong basis to believe that a child will be available for adoption, but a legal impediment still exists.

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**Limits of Reconsideration** Connecticut law prohibits the Superior Court for Juvenile Matters from reconsidering any termination of parental rights decision once a subsequent adoption has been finalized.

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**Child's Best Interest** In cases where an adoption has not been finalized, the court must consider the child's best interests in deciding whether or not to reconsider a termination of parental rights decision. The child's caretaker must be allowed to give evidence on the child's best interests.

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**Acts as Foster Family** When a child is placed with a legal risk family, that family acts as a foster family to the child and is subject to Department regulations and policies applicable to foster homes. The Department will make every effort to support the family until the legal impediment to adoption is removed.

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