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**2025 Edition**

# Termination of Parental Rights (TPR)

A Guide to Resources in the Law Library

## Table of Contents

Termination of Parental Rights (TPR) .....	1
Introduction.....	3
Section 1: Rights of Parents.....	4
Section 1a: Rights of Parents in TPR .....	5
Table 1: In re Yasiel and Canvass of Respondent.....	14
Section 1b: Right to Counsel.....	15
Section 1c: Standard of Proof .....	21
Section 1d: Equal Protection of the Laws .....	25
Section 1e: Notice and Opportunity to Be Heard .....	26
Section 2: Termination by Consent .....	29
Table 2: Child Support and Termination of Parental Rights.....	33
Section 3: Grounds (Nonconsensual) .....	34
Section 3a: Abandonment .....	35
Section 3b: Act(s) of Parental Commission or Omission .....	39
Section 3c: No Ongoing Parent-Child Relationship .....	43
Section 3d: Neglected & Uncared for.....	47
Section 3e: Failure to Rehabilitate .....	50
Section 3f: Parent Has Killed or Committed an Assault upon another Child of the Parent.....	54
Section 3g: Parent Committed Sexual Assault Resulting in Conception of the Child .....	56
Table 3: Proof of Grounds for Terminating Parental Rights .....	58
Section 4: Procedures in Termination of Parental Rights .....	59
Section 4a: Jurisdiction .....	60
Section 4b: Petition for TPR .....	63
Section 4c: Parties and Standing in TPR Proceedings.....	68
Section 4d: Notice .....	73
Section 4e: TPR Hearing.....	77
Section 4f: Reasonable Effort to Locate and Reunify .....	82
Section 4g: Statutory Factors.....	85
Section 4h: Motion to Open or Set Aside .....	89
Section 4i: Appeals in Juvenile Matters.....	92
Table 4: Post-Termination Visitation .....	97
Table 5: Indian Child Welfare Act .....	100

*Prepared by Connecticut Judicial Branch, Superior Court Operations,  
Judge Support Services, Law Library Services Unit  
[lawlibrarians@jud.ct.gov](mailto:lawlibrarians@jud.ct.gov)*

These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to one's own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

View our other [research guides](#).

This guide links to advance release opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar and Harvard's Case Law Access Project. The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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](#)

[Connecticut Judicial Branch Website Policies and Disclaimers](#)

# Introduction

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## A Guide to Resources in the Law Library

- **Termination of parental rights:** "means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and the child's 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) (2025).
- "Severance of this legal relationship means that the constitutional right to direct the child's upbringing . . . no longer exists . . . In effect, the [biological parent] is a legal stranger to the child with no better claim to advance the best interests of the child than any remote stranger." (Internal citations omitted.) [In re Emilia M.](#), 233 Conn. App. 565, 576, 341 A.3d 439 (cert. denied at 353 Conn. 904, 341 A.3d 959) (2025).
- "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, 264, 143 A.3d 677, 688 (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)." [In re Samantha C.](#), 268 Conn. 614, 628, 847 A.2d 883, 894 (2004).

## Section 1: Rights of Parents

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### A Guide to Resources in the Law Library

- "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 (2015).
- "[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, 811 (1982).
- "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 into ongoing family affairs. When the State moves to destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures." *Santosky v. Kramer*, 455 U.S. 745, 753-754, 102 S.Ct. 1388, 1394-1395, 71 L.Ed 2d 599 (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, 907 (1993).

# 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." [Fourteenth Amendment](#), Constitution Annotated.
- **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. 335. 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 (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, 520 A.2d 639, 644 (1987).

**STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-708](#). Guardian ad litem for minor or incompetent parent.  
§ [45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements.  
§ [45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.  
§ [45a-717](#). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

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.

§ 45a-719. Reopening judgment terminating parental rights. Best interest of child. Final decree of adoption.

#### **COURT RULES:**

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

- Conn. Practice Book (2026)  
[Chapter 32a](#). Rights of Parties Neglected, Abused and Uncared For 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 or drug abuse treatment records as evidence
  - § 32a-9. Competency of parent
- Connecticut Probate Court Rules of Procedure (2024)  
[Rule 40](#). Children's Matters: General Provisions
  - Section 40.20. Court to advise respondent parent of rights in proceeding to terminate parental rights or appoint permanent guardian

#### **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.

- Backgrounder: Termination of Parental Rights*, Katherine Dwyer, Connecticut General Assembly, Office of Legislative Research Report, [2017-R-0113](#) (September 27, 2017).
- Birth Parents' Rights In Termination Of Parental Rights Proceedings*, Meghan Reilly, Connecticut General Assembly, Office of Legislative Research Report, [2008-R-0151](#) (March 7, 2008).

#### **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 Annessa J.*, 343 Conn. 642, 284 A.3d 562 (2022).  
"Valerie . . . claimed . . . that the trial court '(1) violated her right to a "public civil trial at common law" by conducting proceedings over the Microsoft Teams platform, rather than in court and in person, in violation of article fifth, § 1, and article first, § 10, of the Connecticut constitution, [and] (2) violated her right to due process of law by precluding her from confronting witnesses in court and in person when it conducted proceedings over the Microsoft Teams platform. . .'" (p. 650)  
  
"The text of these constitutional provisions says nothing about whether trials must be conducted in person. Our courts have never had occasion to interpret either provision as imposing such a requirement. Nevertheless, Valerie contends that 'article first, § 10, creates a right of the citizenry to a public civil trial of the kind that existed at common law in 1818,' and 'article fifth, § 1, creates a duty on the part of the Superior

Court to find facts by observing firsthand the parties and witnesses in physical proximity to each other . . . . Valerie, however, does not cite any authority or provide any historical analysis that supports the proposition that these constitutional provisions require an in person trial for the termination of parental rights.

With respect to article first, § 10, we note that Valerie's counsel conceded at oral argument before the Appellate Court that 'a public trial is not constitutionally required in juvenile matters . . . . *In re Annessa J.*, supra, 206 Conn. App. 586. With this concession, Valerie is left to argue that the 'open courts' provision of article first, § 10, was intended to enshrine the right to appear physically and in person for trial, yet she provides no authority in support of that claim. We find no suggestion in our prior cases or historical sources indicating that the provision has anything to do with a right of physical appearance." (pp. 657-658)

- *In re Vada V.*, 343 Conn. 730, 275 A.3d 1172 (2022). "The respondents' final claim on appeal raises various unpreserved state and federal constitutional arguments premised on the fact that the state did not provide the respondents, who were indigent, with their own exclusive devices and internet connection to participate both visually and by audio in the proceeding. Specifically, Samantha claims that the trial court denied her due process of law, in violation of the fourteenth amendment to the United States constitution, when it failed to provide her with an adequate device and internet connection to participate in the trial. In addition to a federal due process challenge, Sebastian also asserts that this failure to provide adequate technology denied him equal protection of the law under the federal constitution and open access to the courts under the state constitution.

The respondents concede that they did not raise these claims before the trial court and, therefore, seek review under *State v. Golding*, supra, 213 Conn. at 239-40, 567 A.2d 823." (pp. 740-741)

"Finally, neither Samantha nor Sebastian asked for technical assistance or accommodations from the trial court. Because the respondents did not raise any issue with their technology at trial, the trial court was unable to assess any potential problems with their ability to participate via video and had no occasion to consider alternative means for them to participate via video to provide them technology or internet access, or to continue the trial until it could be held in person. As this court repeatedly has observed, '[o]ur role is not to guess at possibilities . . . but to review claims based on a complete factual record developed by a trial court. . . . Without the necessary factual and legal conclusions furnished by the trial court . . . any decision made by us respecting [the appellant's claims] would be entirely speculative.' (Internal quotation

marks omitted.) *State v. Brunetti*, 279 Conn. 39, 63, 901 A.2d 1 (2006), cert. denied, 549 U.S. 1212, 127 S. Ct. 1328, 167 L. Ed. 2d 85 (2007). Because the record is silent on or, in some instances, undermines many of the factual predicates necessary to evaluate the respondents' claims, we conclude that the record is inadequate to review those unpreserved claims." (pp. 744-745)

"We take this opportunity, however, to emphasize the importance of ensuring equal access to justice, which is particularly significant in the context of virtual hearings and trials, given the digital divide. These public policy considerations are identical to those that we expressed in part II of *In re Aisjaha N.*, which we also decide today. See *In re Aisjaha N.*, supra, 343 Conn. at 727-30, 275 A.3d 1181. Accordingly, the public policy discussion in part II of *In re Aisjaha N.* applies with equal force to the present cases." (p. 745)

- *In re Ivory W.*, 342 Conn. 692, 271 A.3d 633 (2022). "[A]lthough a parent's fundamental liberty interest in the care, custody, and management of his or her child has deep roots in this state's history, these statutory provisions demonstrate that, in more recent times, there has been a growing public recognition of the important interests of children who have been removed from their parents in achieving stability and permanency as quickly as reasonably possible. A rule that the court is constitutionally required to await the outcome of any related criminal proceeding that may have been initiated against the parent before achieving permanency for the children would undermine this public policy. Moreover, under such a rule, the termination of parental rights proceeding could be delayed whenever there was a possibility of related criminal charges. In some cases, the applicable statute of limitations could prolong the period of uncertainty for years. Similarly, an appeal from a criminal conviction or a petition for a writ of habeas corpus could mean years of delay. Such a delay would not only leave the children in limbo, in contravention of the statutory guidelines requiring the prompt resolution of such proceedings in the interests of permanency, but it could also mean that witnesses would become unavailable and memories would fade, thereby impeding the ability of the parties to fully and fairly present their case. Because we conclude that none of the *Geisler* factors supports the respondent's claim that the trial court's denial of her motion for a continuance of the termination of parental rights proceedings pending the conclusion of the criminal proceedings violated her due process rights under the Connecticut constitution, we reject this claim." (pp. 24-25)

"[A] rule requiring trial courts to grant all requests for continuances by respondents in termination of parental rights proceedings when the respondent has invoked his or her fifth amendment privilege against self-incrimination in connection

with a related criminal proceeding is not required to ensure the fairness and integrity of the judicial system. To the contrary, such a rule would deprive trial courts of their ability to consider the fairness of their rulings by eliminating their discretion to consider '[1] the interests of the [nonmoving party] in an expeditious resolution and the prejudice to the [nonmoving party] in not proceeding; [2] the interests of and burdens on the [moving party]; [3] the convenience to the court in the management of its docket and in the efficient use of judicial resources; [4] the interests of other persons not parties to the civil litigation; and [5] the interests of the public in the pending civil and criminal actions'. . . as well as 'the timeliness of the request for continuance; the likely length of the delay; the age and complexity of the case; the granting of other continuances in the past; the impact of delay on the litigants, witnesses, opposing counsel and the court; the perceived legitimacy of the reasons proffered in support of the request; [and] the [moving party's] personal responsibility for the timing of the request . . .'. . . In reaching this conclusion, we emphasize that courts must consider a respondent's important interest in testifying in his or her own defense in a matter involving a fundamental liberty interest when ruling on a motion for a continuance pending the resolution of a related criminal proceeding. As the circumstances of the present case show, however, there are other weighty interests that also are entitled to consideration." (pp. 27-28)

- [In re Elijah C.](#), 326 Conn. 480, 508, 165 A.3d 1149, 1165-1166 (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, 70 (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, 660 (2016). "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, 684 (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, 482 (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 (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 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. This canvass will ensure that the respondent is fully aware of his or her rights at the commencement of the trial."

- [In re Brayden E.-H.](#), 309 Conn. 642, 661-662, 72 A.3d 1083, 1094 (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 Tyqwane V.](#), 85 Conn. App. 528, 534, 857 A.2d 963, 968 (2004). "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.)."
- [In re Luke G.](#), 40 Conn. Supp. 316, 326-327, 498 A.2d 1054, 1061 (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."

**WEST KEY  
NUMBERS:**

- *Constitutional Law*  
XXVI. Equal Protection  
    3165. Families and children  
XXVII. Due Process  
    4390. Parent and child relationship  
    4400. Protection of children; Child abuse, neglect, and

dependency  
4403.5. Removal or termination of parental rights  
4489. Habeas corpus

- *Infants*  
1811-2435. Dependency, Permanent Custody, and Termination of Rights; Children in Need.

**DIGESTS:**

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, Monika D. Young, LexisNexis, 2025.  
Chapter 11. Child Custody and Visitation  
§ 11.13. Termination of Parental Rights

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 23 *A.L.R.7th* Art.3, Annotation, *Right to Effective Counsel at Termination of Parental Rights Proceeding and Standards of Review of Claim*, by Fern L. Kletter, Thomson West, 2017 (Also available on Westlaw).
- 16B *Am. Jur. 2d* Constitutional Law, Thomson West, 2020 (Also available on Westlaw).  
XIV. Due Process of Law  
D. Hearing  
§ 999. Presence of person at trial and right to counsel under due process requirements
- 59 *Am. Jur. 2d* Parent and Child, Thomson West, 2023 (Also available on Westlaw).  
III. Parental Rights and Duties  
§§ 23, 31. Rights of respective parents  
§ 35. Custody rights of parents as against others  
§ 36. —Presumptions and burden of proof  
§ 39. Loss or forfeiture of custody right by parent  
§ 40. —Burden of proof
- 16D *C.J.S. Constitutional Law*, Thomson West, 2015 (Also available on Westlaw).  
XXII. Particular Applications of Due Process Guaranty  
§ 2140. Due process considerations with respect to termination of parental rights  
§ 2141. —Standard of proof  
§ 2142. Due process considerations with respect to determination of parental rights—Appointment of counsel
- 67 *COA2d* 1, Cause of Action to Terminate Parental Rights of Incarcerated Parent, by Elizabeth Williams, Thomson West, 2015 (Also available on Westlaw).
- 53 *COA2d* 523, Cause of Action for Termination of Parental Rights Based on Abuse or Neglect, by Rebecca E. Hatch, Thomson West, 2012 (Also available on West).

- 159 POF3d 173, *Ineffective Assistance of Counsel in Parental Termination Cases*, by Catherine Palo, Thomson West, 2017 (Also available on Westlaw).

### **TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 1 *Adoption Law and Practice*, Joan Heifetz Hollinger, editor, Matthew Bender, 2025 (also available on Lexis).
  - Chapter 2. Consent to adoption
    - § 2.10. Exceptions to the requirement of parental consent
      - [2]. State courts and statutory examples
- 4 *Child Custody & Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2025 (Also available on Lexis).
  - Chapter 28. Termination of parental rights
    - § 28.02. Elements of the proceeding
      - [2]. Constitutional limitations
    - § 28.03. Procedural protections
      - [1]. Service of process
      - [2]. Notification of charges
      - [4]. Counsel for the parents
      - [5]. Disclosure
- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.
  - Chapter 21. Child Protection by Lynn B. Cochrane
    - Termination of Parental Rights, pp. 534 - 541
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.
  - Chapter 13. Termination of Parental Rights
    - § 13:6. Right to counsel
    - § 13:20. Unmarried fathers
- *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom et al., Thomson West, 2025 (also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5:7. Termination of parental rights and appointment of guardian or statutory parent for adoption petition
    - § 5:8. Notice, guardian ad litem
    - § 5:9. Hearing, investigation and report, grounds for termination of parental rights, consent terminations

### **LAW REVIEWS:**

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

- 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*, no. 2, pp. 269-308 (1996).

Table 1: In re Yasiel and Canvass of Respondent

<b>Trial Court Canvass of Respondent</b>
<p><u>In re Yasiel R.</u>, 317 Conn. 773, 795, 120 A.3d 1188, 1201 (2015).</p> <p>(1) the nature of the termination of parental rights proceeding and the legal effect thereof if a judgment is entered terminating parental rights</p> <p>(2) the respondent's right to defend against the accusations</p> <p>(3) the respondent's right to confront and cross-examine witnesses</p> <p>(4) the respondent's right to object to the admission of exhibits</p> <p>(5) the respondent's right to present evidence opposing the allegations</p> <p>(6) the respondent's right to representation by counsel</p> <p>(7) the respondent's right to testify on his or her own behalf</p> <p>(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.</p> <p>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.</p> <p>The court should then inquire whether the respondent understands his or her rights and whether there are any questions.</p>

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.

## 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 cases in Connecticut.

### **DEFINITIONS:**

- "If a respondent parent appears without counsel, the court shall inform such respondent parent of his or her right to counsel and upon request, if he or she is unable to pay for counsel, shall appoint counsel to represent such respondent parent. No respondent parent 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\(b\)](#) (2025)
- "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, 811 (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. (2025)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements.  
§ [45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.  
§ [45a-717](#). 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.

### **COURT RULES:**

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

- Conn. Practice Book (2026)  
[Chapter 32a](#). Rights of Parties Neglected, Abused and Uncared for Children and Termination of Parental Rights  
§ 32a-1. Right to counsel and to remain silent

## **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.

## **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.

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

- [In re Juliany](#), 230 Conn. App. 575, 330 A.3d 902, cert. denied at 351 Conn. 918 (2025). "In Connecticut, a parent who faces the termination of his or her parental rights is entitled, by statute, to the assistance of counsel. . . . Because of the substantial interests involved, a parent in a termination of parental rights hearing has the [statutory] right not only to counsel but to the effective assistance of counsel. . . . Moreover, a parent whose rights have been terminated may assert, on direct appeal, that he or she was deprived of the right to the effective assistance of counsel at trial. . . . In determining whether counsel has been ineffective in a termination proceeding, [this court has] enunciated the following standard: The range of competence . . . requires not errorless counsel, and not counsel judged ineffective by hindsight, but counsel whose performance is reasonably competent, or within the range of competence displayed by lawyers with ordinary training and skill in [that particular area of the] law. . . . The respondent must prove that [counsel's performance] fell below this standard of competency and also that the lack of competency contributed to the termination of parental rights. . . . A showing of incompetency without a showing of resulting prejudice . . . does not amount to ineffective assistance of counsel.' (Citations omitted; emphasis added; internal quotation marks omitted.) [In re Peter L.](#), 158 Conn. App. 556, 563, 119 A.3d 23 (2015). 'Even where a parent in a termination proceeding has a constitutional, rather than merely statutory, right to counsel, the parent must show resulting prejudice to prevail on a claimed violation of that right.' [In re Jaelynn K.-M.](#), 229 Conn. App. 371, 382, 327 A.3d 1013 (2024).

'In making such a claim, it is the responsibility of the respondent to create an adequate record pointing to the alleged ineffectiveness and any prejudice the respondent claims resulted from that ineffectiveness. . . . In the absence of findings by the trial court in this regard, we directly review the trial court record.' (Citation omitted; internal quotation marks omitted.) [In re Wendy G.-R.](#), 225 Conn. App. 194, 205, 314 A.3d 1029, cert. denied, 349 Conn. 916, 316 A.3d 357 (2024)." (pp. 583-584)

“. . . our Supreme Court concluded in *In re Jonathan M.*, supra, 255 Conn. 227– 28, that ‘due process does not dictate that the petitioner must be permitted to utilize the writ of habeas corpus as a procedural means of attacking collaterally the termination judgment.’ He further acknowledges that the court saw ‘no need to utilize [its] supervisory authority to supplement the evidentiary record in direct appeals from such judgments in an effort to create an alternative to the habeas relief sought in this case.’ Id., 236. In reaching these conclusions, the court explained that there were ‘other means of vindicating the right to effective assistance of counsel . . . through which an indigent parent may challenge a termination judgment . . . .’ Id. Specifically, in addition to the right to bring a direct appeal from the termination judgment, a parent may seek to ‘open the final judgment of termination and assert a claim of ineffective assistance of counsel’; id., 237; and/or file a petition for a new trial.” (pp. 590-591)

- *In re Amias I.*, 343 Conn. 816, 276 A.3d 955 (2022). “The respondent claims that, in addition to their statutory right to conflict free counsel established by the legislature in General Statutes § 46b-129a (2) (A), this court should hold that her children also had a procedural due process right to such counsel under the state and federal constitutions, and that the trial court violated this right by failing to inquire into whether the attorney appointed to represent them . . . had a conflict of interest due to the children’s conflicting goals regarding reunification. . . We conclude that we need not decide whether the respondent’s children had a constitutional—as opposed to only a statutory—right to conflict free counsel because, even if they did, it is apparent that any violation of such a right was harmless error.” (pp. 819-820)

“Although we previously have held that parents in a termination of parental rights proceeding have standing to assert a claim that their children were denied their constitutional right to conflict free representation . . . we have yet to decide whether such a right exists. For the reasons that follow, we conclude that the present case is not the appropriate vehicle to decide that question because, even if we assume that children in dependency proceedings have a constitutional right to conflict free counsel under the state and federal constitutions, any violation of that right in the present case was harmless beyond a reasonable doubt.” (pp. 832-833)

- *In re Larry D.*, 170 Conn. App. 758, 765, 155 A.3d 322, 326 (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].’ (Internal quotation marks omitted.) [In re Zowie N.](#), *supra*, 135 Conn. App. at 483; accord [State v. Flanagan](#), *supra*, 293 Conn. at 419. Accordingly, we must determine whether the record supports the court’s determination that the respondent intelligently and voluntarily elected to represent himself, thereby waiving his statutory right to counsel.”
- [In re Isaiah J.](#), 140 Conn. App. 626, 640, 59 A.3d 892, 901 (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, 785 (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*
  - XXVII. Due Process.
    - 4403.5. Removal or termination of parental rights.
    - 4489. Habeas corpus.
- *Infants*
  - XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need.
    - 2332. Right to counsel.
    - 2340. Withdrawal and change of counsel.
    - 2352. Proceedings as to right or waiver.
    - 2396. Proceedings in forma pauperis.

**ENCYCLOPEDIAS:** • 30 *A.L.R.7th* Art. 1, Annotation, *Claims of Ineffective Counsel at Termination of Parental Rights Proceedings—Prehearing*

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

*and Procedural Issues*, by Fern L. Kletter, Thomson West, 2017 (Also available on Westlaw).

- 30 A.L.R.7th Art. 2, Annotation, *Claims of Ineffective Counsel at Termination of Parental Rights Proceedings—Hearing and Post-Hearing Issues*, by Fern L. Kletter, Thomson West, 2017 (Also available on Westlaw).
- 23 A.L.R.7th Art.3, Annotation, *Right to Effective Counsel at Termination of Parental Rights Proceeding and Standards of Review of Claim*, by Fern L. Kletter, Thomson West, 2017 (Also available on Westlaw).
- 16B *Am. Jur. 2d* Constitutional Law, Thomson West, 2020 (Also Available on Westlaw).
  - XIV. Due Process of Law
  - D. Hearing
    - § 999. Presence of person at trial and right to counsel under due process requirements
- 59 *Am. Jur. 2d* Parent and Child, Thomson West, 2023 (Also Available on Westlaw).
  - III. Parental Rights and Duties
    - § 39. Loss or forfeiture of custody right by parent
    - § 40. —Burden of proof
- 16D *C.J.S. Constitutional Law*, Thomson West, 2015 (Also available on Westlaw).
  - XXII. Particular Applications of Due Process Guaranty
    - § 2140. Due process considerations with respect to termination of parental rights
    - § 2141. —Standard of proof
    - § 2142. Due process considerations with respect to determination of parental rights—Appointment of counsel
- 159 *POF3d* 173, *Ineffective Assistance of Counsel in Parental Termination Cases*, by Catherine Palo, Thomson West, 2017 (Also available on Westlaw).

#### **TEXTS & TREATISES:**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- 4 *Child Custody & Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2025 (Also available on Lexis).
  - Chapter 28. Termination of parental rights
    - § 28.03. Procedural protections
      - [4] Counsel for the parents
        - [a] Appointment of Counsel for Parents
        - [b] Ethical Issues
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.
  - Chapter 13. Termination of Parental Rights
    - § 13:6. Right to counsel

- *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom et al., Thomson West, 2025 (also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5:7. Termination of parental rights and appointment of guardian or statutory parent for adoption petition
    - § 5:8. Notice, guardian ad litem
    - § 5:9. Hearing, investigation and report, grounds for termination of parental rights, consent terminations

**LAW REVIEWS:**

- 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, no. 2, pp. 269-308 (1996).

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

## 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 cases 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 M.](#), 43 Conn. Supp. 108, 113, 648 A.2d 904, 907-908 (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](#), 187 Conn. 431, 435, 446 A.2d 808, 811 (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.' (Internal quotation marks omitted.)." [In re Trevon G.](#), 109 Conn. App. 782, 789-790, 952 A.2d 1280, 1286-1287 (2008).

### **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. (2025)

[Chapter 319a](#). Child Welfare

§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.

### **COURT RULES:**

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

- Conn. Practice Book (2026)

[Chapter 32a](#). Rights of Parties Neglected, Abused and Uncared For Children and Termination of Parental Rights  
§ 32a-3. Standards of proof

**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.

- *Backgrounder: Termination of Parental Rights*, Katherine Dwyer and Ashley Daley, Connecticut General Assembly, Office of Legislative Research Report, [2017-R-0113](#) (September 27, 2017).  
*Describe the procedures in law for termination of parental rights.*

**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 Tiara E.](#), 232 Conn. App. 1, 14-15, 334 A.3d 573, cert. denied at 352 Conn. 901 (2025). "Section 17a-112 (j) (1) requires that before terminating parental rights, the court must find by clear and convincing evidence that the department has made reasonable efforts to locate the parent and to reunify the child with the parent . . . Thus, the department may meet its burden concerning reunification in one of three ways: (1) by showing that it made such efforts, (2) by showing that the parent was unable or unwilling to benefit from reunification efforts or (3) by a previous judicial determination that such efforts were not appropriate. . . . [In re Ryder M.](#), 211 Conn. App. 793, 808-809, 274 A.3d 218, cert. denied, 343 Conn. 931, 276 A.3d 433 (2022). "The word reasonable is the linchpin on which the department's efforts in a particular set of circumstances are to be adjudged, using the clear and convincing standard of proof. Neither the word reasonable nor the word efforts is, however, defined by our legislature or by the federal act from which the requirement was drawn. . . . [R]easonable efforts means doing everything reasonable, not everything possible.' (Internal quotation marks omitted.) [In re Jah'za G.](#), 141 Conn. App. 15, 31, 60 A.3d 392, cert. denied, 308 Conn. 926, 64 A.3d 329 (2013).

Our review of the court's reasonable efforts determination is subject to the evidentiary sufficiency standard of review. See [In re Ryder M.](#), *supra*, 211 Conn. App. 809. The appropriate question, then, is 'whether the trial court could have reasonably concluded, upon the facts established and the reasonable inferences drawn therefrom, that the cumulative effect of the evidence was sufficient to justify its [ultimate conclusion]. . . . When applying this standard, we construe the evidence in a manner most favorable to sustaining the judgment of the trial court. . . . We will not disturb the court's subordinate factual findings unless they are clearly erroneous. . . . A factual finding is clearly erroneous when it is not supported by any evidence in the record or when there is evidence to support it, but the reviewing court is left with the definite and firm conviction that a mistake has been made.' (Internal quotation marks omitted.) [In re Phoenix A.](#), 202 Conn. App. 827, 842, 246 A.3d 1096, cert. denied, 336 Conn. 932, 248 A.3d 1 (2021)."

- [In re Jason R.](#), 306 Conn. 438, 455, 51 A.3d 334, 343 (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 Anna Lee M.](#), 104 Conn. App. 121, 136-137, 931 A.2d 949, 959 (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 F.](#), 250 Conn. 674, 694, 741 A.2d 873, 886 (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*  
XXVII. Due Process  
4403.5. Removal or termination of parental rights
- *Infants*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need.  
2121-2173. Evidence

**ENCYCLOPEDIAS:**

- 59 *Am. Jur. 2d* Parent and Child, Thomson West, 2023 (Also available on Westlaw).
  - III. Parental Rights and Duties
    - § 35. Custody rights of parents as against others
    - § 36. —Presumptions and burden of proof
    - § 39. Loss or forfeiture of custody right by parent
    - § 40. —Burden of proof

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 16D *C.J.S. Constitutional Law*, Thomson West, 2015 (Also available on Westlaw).  
XXII. Particular Applications of Due Process Guaranty  
§ 2140. Due process considerations with respect to termination of parental rights  
§ 2141. —Standard of proof  
§ 2142. Due process considerations with respect to determination of parental rights—Appointment of counsel
- 53 *COA2d* 523, *Cause of Action for Termination of Parental Rights Based on Abuse or Neglect*, by Rebecca E. Hatch, Thomson West, 2012 (Also available on West).  
§§ 4-16. *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:**

Each of our law libraries own the Connecticut treatises cited. You can [contact us](#) or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 1 *Adoption Law and Practice*, Joan Heifetz Hollinger, editor, Matthew Bender, 2025 (also available on Lexis).  
Chapter 2. Consent to adoption  
§ 2.10. Exceptions to the requirement of parental consent  
[2]. State courts and statutory examples
- 4 *Child Custody & Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2025 (Also available on Lexis).  
Chapter 28. Termination of parental rights  
§ 28.04. Hearings  
[2]. Burden of proof
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, 2009, Thomson West, 2025 supplement.  
Chapter 13. Termination of Parental Rights  
§ 13:3. Standard of proof

#### **LAW REVIEWS:**

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

- 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*, no. 2, pp. 269-308 (1996).

## 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 cases 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, 644 (1987).

**CASES:** • [In re Nicolina T.](#), 9 Conn. App. 598, 606-607, 520 A.2d 639, 644 (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], which 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*  
XXVI. Equal Protection  
3165. Families and children

# 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 in termination of parental rights cases in Connecticut.

### **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. (2025)

[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.  
§ [45a-717](#). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

### **COURT RULES:**

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

- Conn. Practice Book (2026)

[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 of Alleged Genetic Parent Unknown; Location of Respondent, Person Presumed To Be the Parent Pursuant to General Statutes § 46b-488 (a) (3) or Alleged Genetic Parent 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 (2022)

[Rule 40](#). Children's Matters: General Provisions  
Section 40.9. Public notice in termination proceeding when name or location of parent unknown

### **CASES:**

- [In re Quamaine K., Jr.](#), 164 Conn. App. 775, 794-795, 137 A.3d 951, 961 (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,

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.

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, 756 (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, 1072 (2012). "Our law requires a competency hearing in a termination case when there are sufficient factual allegations of mental impairment and a respondent, or his attorney if he is represented, requests a hearing or when the conduct of a respondent reasonably suggests to the court that a hearing is necessary. . . . 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 Middlesex at Middletown, Nos. M08-CP07010334, M08-CP07010335, (November 25, 2009) (2009 Conn. Super. LEXIS 3135) (2009 WL 4913327). "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."
- *In re Alexander V.*, 223 Conn. 557, 563, 613 A.2d 780, 784 (1992). "By definition, a mentally incompetent person is one who is unable to understand the nature of the termination proceeding and unable to assist in the presentation of his or her case . . . . Simply appointing a guardian ad litem for a parent in such a condition might well fail to protect the parent sufficiently against an unreliable adjudication terminating parental rights."

**WEST KEY  
NUMBERS:**

- *Constitutional Law*  
XXVII. Due Process  
4400. Protection of children; Child abuse, neglect, and dependency  
4403.5. Removal or termination of parental rights
- *Infants*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need  
2070. Proceedings—Notice and process
- *Mental Health*  
472. Capacity to sue and be sued  
485. Guardian ad litem or next friend

**TEXTS &  
TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact us](#) or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 1 *Adoption Law and Practice*, Joan Heifetz Hollinger, editor, Matthew Bender, 2025 (Also available on Lexis).  
Chapter 2. Consent to adoption  
§ 2.10. Exceptions to the requirement of parental consent  
§ 2.10 [2]. State courts and statutory examples
- 4 *Child Custody & Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2025 (Also available on Lexis).  
Chapter 28. Termination of parental rights  
§ 28.03. Procedural protections  
[1]. Service of process  
[2]. Notification of charges  
§ 28.04. Hearings  
[5]. Right to be physically present or appear telephonically
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.  
Chapter 13. Termination of Parental Rights  
§ 13:4. Standing  
§ 13:5. Service of process

**LAW REVIEWS:**

- Kurt M. Ahlberg, *In Re: M, A Minor*, 30 *Quinnipiac Prob. L.J.*, no. 3, pp. 199-209 (2017).

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 at Hartford, No. CP10013611A (April 7, 2011) (2011 Conn. Super. LEXIS 907) (2011 WL 1734461).
- "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. 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) (2023) (Emphasis added)

### **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. (2025)
  - [Chapter 319a](#). Child Welfare
    - § [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.
    - [Chapter 803](#). Termination of Parental Rights and Adoption
      - § [45a-715](#). Petition to terminate parental rights.
      - Cooperative postadoption agreements.
      - § [45a-717](#). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

### **FORMS:**

- Probate Court
  - [PC-600](#). Petition/Termination of Parental Rights (rev. 07/23)

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

[PC-601](#). Petition/Consent Termination of Parental Rights AND Stepparent, Co-Parent or Relative Adoption (rev. 07/23)  
[PC-610](#). Affidavit/Custody of Minor Child (rev. 4/18)  
[PC-600CI](#). Confidential Information/Petition/Termination of Parental Rights (rev. 08/19)

- Superior Court, Juvenile Matters  
[JD-JM-60](#). Affidavit/Consent to Termination of Parental Rights (rev. 12/22)
- Superior Court, Family Matters  
[JD-FM-164](#). Affidavit Concerning Children (rev. 011/24)
- 19 Am. Jur. *Pleading and Practice Forms* Parent and Child (2017).

## II. Actions Affecting the Parent-Child Relationship

### D. Termination of Parent-Child Relationship

§ 91. Petition or application—By third person—To terminate parent-child relationship—Relinquishment by mother—Abandonment by one parent; voluntary relinquishment of parental rights by other

§ 97. Affidavit—Voluntary relinquishment by mother of parental rights

## **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 Jayce O.](#), 323 Conn. 690, 702-703, 150 A.3d 640, 647-648 (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, Juvenile Matters, No. D03CP11002826A (January 25, 2013) (55 Conn. L. Rptr. 446) (2013 Conn. Super. LEXIS 238) (2013 WL 812350). "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 at Hartford, No. CP10013611A (April 7, 2011) (2011 Conn. Super. LEXIS 907) (2011 WL 1734461). "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 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 Conn. Super. LEXIS 1526) (2008 WL 2582997). "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."

**WEST KEY  
NUMBERS:**

- *Infants*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need  
1898-1901. Relinquishments and Consent

**DIGESTS:**

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, Monika D. Young, LexisNexis, 2025.  
Chapter 11. Child Custody and Visitation  
§ 11.13. Termination of Parental Rights

**ENCYCLOPEDIAS:** • 59 Am. Jur. 2d Parent and Child, Thomson West, 2023 (Also available on Westlaw).

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

**TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 59 Am. Jur. 2d Parent and Child, Thomson West, 2023 (Also available on Westlaw).
  - III. Parental Rights and Duties
    - § 16. Termination of parent-child relationship
- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.
  - Chapter 21. Child Protection by Lynn B. Cochrane
    - Termination of Parental Rights, pp. 534 - 541
- *2 Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.
  - Chapter 13. Termination of Parental Rights
    - § 13:21. Voluntary relinquishment
- *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom et al., Thomson West, 2025 (also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5:9. Hearing, investigation and report, grounds for termination of parental rights, consent terminations
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.
  - Chapter 3. Termination of Parental Rights.
    - § 23. Termination by consent

**Table 2: Child Support and Termination of Parental Rights**

<b>Child Support and Termination of Parental Rights</b>
<p><u><a href="#">In re Baciany R.</a></u>, 169 Conn. App. 212, 221-222, 150 A.3d 744, 750-751 (2016).</p> <p>"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."</p>
<p><u><a href="#">In re Jessica M.</a></u>, 71 Conn. App. 417, 431-32, 802 A.2d 197, 206 (2002).</p> <p>"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 <u><a href="#">In Re Bruce R.</a></u>."</p>
<p><u><a href="#">In re Bruce R.</a></u>, 234 Conn. 194, 213, 662 A.2d 107, 117 (1995).</p> <p>"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 <i>all</i> 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. . . 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.'</p>

## Section 3: Grounds (Nonconsensual)

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### 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, 172 A.3d 1274, 1282 (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, 688 (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, 25-26, 847 A.2d 1073, 1078 (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) (2025)

- **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, 154 (2016).
- **Temporary Emergency Jurisdiction:** "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](#)(a) (2025)

**STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-717](#). 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 Sydnei V.](#), 168 Conn. App. 538, 547-548, 147 A.3d 147, 154 (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, 73, 141 A. 3d 1000, 1016 (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); see also *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, 661; and, thus, is properly considered by the court in considering whether to terminate parental rights on the ground of failure to rehabilitate. Id., at 664–65."

- *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, 122 (2012). "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, 301-302, 48 A.3d 94, 98 (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, 614 (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, 904 (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*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need  
2001-2016. Abandonment, Absence, and Nonsupport

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 59 *Am. Jur. 2d Parent and Child*, Thomson West, 2023 (Also available on Westlaw).  
II. Creation and Termination of Relationship  
§ 16. Termination of relationship
- 16 *COA 219, Cause of Action for Adoption Without Consent of Parent on Ground of Abandonment*, by Stephen A. Brunette, Thomson West, 1988 (Also available on Westlaw).
- 32 *POF3d 83, Grounds for Termination of Parental Rights*, by Jacqueline D. Stanley, Thomson West, 1995 (Also available on Westlaw).  
§ 4. Grounds for termination of parental rights—  
Abandonment

**TEXTS & TREATISES:**

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- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.  
Chapter 13. Termination of Parental Rights  
§ 13:10. Grounds—Abandonment and nonsupport
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3, Termination of Parental Rights.  
§ 24. Nonconsensual Termination: Grounds  
Abandonment

**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.*, no. 3, pp. 199-209 (2017).
- Kurt M. Ahlberg, *In Re: A Minor*, 29 *Quinnipiac Prob. L.J.* no. 4, pp. 365-374 (2016).
- Matthew R. Asman, *The Rights Of A Foster Parent Versus The Biological Parent Who Abandoned The Child: Where Do The*

*Best Interests Of The Child Lie?, 8 Connecticut Probate Law Journal, no. 8, pp. 93-118 (1993).*

- *Verna Lilburn, Abandonment as Grounds for The Termination of Parental Rights, 5 Connecticut Probate Law Journal, no. 5, pp. 263-294 (1991).*

## Section 3b: Act(s) of Parental Commission or Omission

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A Guide to Resources in the Law Library

**SCOPE:** Bibliographic sources relating to 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 as grounds for termination of parental rights in Connecticut.

**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\(g\)\(2\)\(B\)](#) (2025)
- **Abused:** "A child 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\(5\)](#) (2025)
- **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, 1176-1177 (1991)
- **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." [In re Sean H.](#), 24 Conn. App. 135, 144, 586 A.2d 1171, 1177 (1991)

**STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
    § [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption

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

§ 45a-717. 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 Egypt E.](#), 327 Conn. 506, 523, 175 A.3d 21 (2018). “Regarding the statutory ground for the termination of the respondents’ parental rights as to Egypt, the court found, by clear and convincing evidence, that § 17a-112 (j) (3) (C) had been proven, in particular, through the respondents’ omissions. Specifically, both parents, because of their denials and failures to acknowledge or admit the cause of the injuries to Mariam, had made no progress toward developing a plan to keep Egypt safe. In light of their omissions, according to the court, neither parent was able to provide Egypt ‘the care, guidance or control necessary for [her] physical, educational, moral or emotional well-being’ as contemplated by § 17a-112 (j) (3) (C).11 (Internal quotation marks omitted.).”
- [In re Josiah M.](#), Superior Court, Judicial District of Hartford at Hartford, No. H12CP-12014529S (December 10, 2012) (2012 Conn. Super. LEXIS 3049) (2012 WL 6846528). “[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 Kezia M.](#), *supra*, 33 Conn. App. at 20.”
- [In re Nelmarie O.](#), 97 Conn. App. 624, 628-629, 905 A.2d 706, 709-710 (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, 782-783, 740 A.2d 896, 905 (1999). "The court found that C had been sexually abused by D because the department's expert testified that C's description of abuse were 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, 1237 (1999). "While the children were in the respondent's care, the respondent failed to protect them from sexual abuse by their older brothers. 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 Luke G.](#), 40 Conn. Supp. 316, 324, 498 A.2d 1054, 1060 (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, Permanent Custody, and Termination of Rights; Children in Need
    - 1941-1977. Deprivation, Neglect, or Abuse
    - 1991-1995. Deprivation of Services or Education
    - 2001-2016. Abandonment, Absence, and Nonsupport
    - 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:**

- 59 *Am. Jur. 2d Parent and Child*, Thomson West, 2023 (Also available on Westlaw).
  - III. Parental Rights and Duties
    - § 16. Termination of parent-child relationship
- 53 *COA2d* 523, *Cause of Action for Termination of Parental Rights Based on Abuse or Neglect*, by Rebecca E. Hatch, Thomson West, 2012 (Also available on Westlaw).
- 32 *POF3d* 83, *Grounds For Termination of Parental Rights*, by Jacqueline D. Stanley, Thomson West, 1995 (Also available on Westlaw).
  - § 6. Grounds for termination of parental rights—Neglect
  - § 7. Grounds for termination of parental rights—Abuse
  - § 7.1. Grounds for termination of parental rights—Failure to protect child from abuse by other parent

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

## **TEXTS & TREATISES:**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 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](#).

- Brittany L. Stancavage, *Probate Courts and Domestic Violence: How Coercive Control can be Incorporated into Termination of Parental Rights Cases*, 36 Quinnipiac Prob. L.J., no. 1, pp. 38 – 53 (2022).
- Kurt M. Ahlberg, *In Re: M, A Minor*, 30 Quinnipiac Prob. L.J., no. 3, pp. 199-209 (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, no. 2, pp. 269-308 (1996).

## Section 3c: No Ongoing Parent-Child Relationship

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic sources relating to no on-going parent-child relationship as grounds for termination of parental rights in Connecticut.

**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\(g\)\(2\)\(C\)](#) (2025)
- **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, 689 (2016).

**STATUTES:**

- Conn. Gen. Stat. (2024)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-717](#). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

**CASES:**

- *In re S.G.*, 229 Conn. App. 834, 863-864, 328 A.3d 737 (2024). “Additionally, although the respondent may love her children and share a bond with them, *the existence of a bond between a parent and a child, while relevant, is not dispositive of a best interest determination.*” (Citations omitted; emphasis added; internal quotation marks omitted.) *In re Autumn O.*, supra, 218 Conn. App. 444. ‘Our courts consistently have held that even when there is a finding of a bond between parent

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.

and a child, it still may be in the child's best interest to terminate parental rights.' *In re Rachel J.*, 97 Conn. App. 748, 761, 905 A.2d 1271, cert. denied, 280 Conn. 941, 912 A.2d 476 (2006).

The essence of the respondent's argument is that the court's best interest determination is clearly erroneous because a strong bond exists between her and the children. Our case law, however, treats the existence of such a bond as relevant to a court's best interest determination, but not dispositive. See *In re Autumn O.*, *supra*, 218 Conn. App. 444. Consequently, so long as there is sufficient evidence to support the court's reliance on other factors, its best interest determination is entitled to deference."

- *In re Kiara Liz V.*, 203 Conn. App. 613, 626, 248 A.3d 813, 822 (2021). "This court will overturn a determination that termination of parental rights is in the best interests of a child only if the court's findings are clearly erroneous."
- *In re Jacob W.*, 330 Conn. 744, 767, 200 A.3d 1091, 1104 (2019). "Even if the trial court had determined that the grandparents had engaged in conduct that inevitably prevented the respondent from maintaining a relationship with his children, the court's subsequent analysis did not properly apply the applicable exception. Specifically, rather than concluding that, as a result of the court's finding of 'interference,' the petitioner was precluded from seeking termination of the respondent's parental rights on the basis of no ongoing parent-child relationship, the court appears to have determined that the conduct of the grandparents justified a departure from the ordinary inquiry as to whether the petitioner had proven no ongoing parent-child relationship. That is, in denying the petitions, rather than considering the children's feelings, the trial court looked to the respondent's conduct.

As we have explained, however, an inquiry that focuses on the conduct of the respondent parent to resolve a petition for termination on the basis of § 45a-717 (g) (2) (C) is appropriate only upon a finding by the trial court that a child is 'virtually' an infant whose present feelings and memories cannot be determined by the court. See *In re Valerie D.*, *supra*, 223 Conn. at 532."

- *In re Carla C.*, 167 Conn. App. 248, 251, 143 A.3d 677, 681 (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 Alexander C.](#), 67 Conn. App. 417, 426-427, 787 A.2d 608, 614 (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, 413-414 (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, 563-564, 695 A.2d 1107, 1114 (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 mother after eighteen months of being her primary caretaker, the fact that this is a natural result when custody is removed from a biological parent by action of the department is a bar to using this fact to establish a ground for termination."
- [In Re Karrlo K.](#), 44 Conn. Supp. 101, 116, 669 A.2d 1249, 1257-1258 (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 Jessica M.](#), 217 Conn. 459, 469, 586 A.2d 597, 602 (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."

**ENCYCLOPEDIAS:** • 59 *Am. Jur. 2d* Parent and Child, Thomson West, 2023 (Also available on Westlaw).

III. Parental Rights and Duties  
 § 16. Termination of parent-child relationship

## **TEXTS & TREATISES:**

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- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.

Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541

- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3. Termination of Parental Rights  
§ 24. Nonconsensual Termination: Grounds  
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.*, no. 3, pp. 199-209 (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*, no. 2, pp. 269-308 (1996).

## Section 3d: Neglected & Uncared for

A Guide to Resources in the Law Library

### **SCOPE:**

Bibliographic references relating to neglected and uncared for child as grounds for termination of parental rights in Connecticut.

### **DEFINITIONS:**

- **Neglected:** "A child 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;" Conn. Gen. Stat. § [46b-120](#)(4) (2025).
- **Uncared for:** "A child 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 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 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](#)(6) (2025)

### **STATUTES:**

- Conn. Gen. Stat. (2025)

#### Chapter 319a. Child Welfare

§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.

#### Chapter 803. Termination of Parental Rights and Adoption

§ [45a-717](#). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

### **LEGISLATIVE:**

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

[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.

### **CASES:**

- [In re Egypt E.](#), 322 Conn. 231, 237-238, 140 A.3d 210, 214-215 (2016). "With respect to the neglect petition on behalf of

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.

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, 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, 749-750, 42 A.3d 393, 397-398 (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, 1138 (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, 1168 (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, Permanent Custody, and Termination of Rights; Children in Need  
1941-1977. Deprivation, Neglect, or Abuse  
2169. Evidence—Weight and sufficiency—Dependency, permanency, and rights termination

**ENCYCLOPEDIAS:**

- 6 A.L.R.6th 161, Annotation, *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*, by Kurtis A. Kemper, Thomson West, 2005 (Also available on Westlaw).
- 59 Am. Jur. 2d Parent and Child, Thomson West, 2023 (Also available on Westlaw).  
III. Parental Rights and Duties

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Online databases are available for in-library use. Remote access is not available.

#### § 16. Termination of parent-child relationship

- 53 COA2d 523, *Cause of Action for Termination of Parental Rights Based on Abuse or Neglect*, by Rebecca E. Hatch, Thomson West, 2012 (Also available on Westlaw).
- 32 POF3d 83, *Grounds for Termination of Parental Rights*, by Jacqueline D. Stanley, Thomson West, 1995 (Also available on Westlaw).
  - § 6. Grounds for termination of parental rights—Neglect
  - § 7. Grounds for termination of parental rights—Abuse
- 211 POF3d 259, *Proof of Child Neglect*, by Jay M. Zitter, Thomson West, 2024 (Also available on Westlaw).

#### **TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact us](#) or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541

- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.
  - Chapter 13. Termination of Parental Rights
    - § 13:9. Grounds—Neglect and failure to protect
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.
  - Chapter 3. Termination of Parental Rights
    - § 24. Nonconsensual Termination: Grounds
      - 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](#).

- 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*, no. 2, pp. 269-308 (1996).

## Section 3e: Failure to Rehabilitate

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to a parent's failure to rehabilitate themselves as grounds for termination of parental rights in Connecticut.

**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, 538 (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." (Internal quotation marks omitted.) *In re Stanley D.*, 61 Conn. App. 224, 230, 763 A.2d 83 (2000). " *In re Kristy A.*, 83 Conn. App. 298, 316, 848 A.2d 1276, 1289 (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, 1118 (1998).

**STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
§ 17a-112. Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ 45a-717. Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

**CASES:**

- *In re Anaishaly C.*, 190 Conn. App. 667, 685, 213 A.3d 12, 23 (2019). "Further, the respondents' focus on the legalization of marijuana operates on the assumption that their admissions of marijuana use are credible evidence of the extent of their rehabilitation. Understood in the context of the respondents' failure to cooperate with drug testing, evidence amounting to the respondents' self-report of marijuana use was simply that—a self-serving assessment of their own rehabilitative status—which the court was free not to credit. In fact, the proper measure of their compliance with the requirement that they refrain from abusing substances is in their ability to

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provide negative and randomized drug testing results over a sustained period of time, which they failed to do. The respondents knew full well that the failure to submit to drug testing violated their specific steps, which, in turn, would impede reunification with their children. Understanding these consequences, and notwithstanding the pending termination petitions, the respondents nevertheless chose not to comply, which the court properly considered in finding that the respondents failed to rehabilitate.”

- [In re Bianca K.](#), 188 Conn. App. 259, 266, 203 A.3d 1280, 1284 (2019). “While [the respondent] certainly is entitled to have such friends as she finds appropriate, when her desire for maintaining an old and harmful friendship is in direct conflict with her desire to have Bianca returned to her care, concerns for Bianca’s safety must remain paramount. It is clear from the evidence that Bianca cannot safely be returned home.”
- [In re Damian G.](#), 178 Conn. App. 220, 237-238, 174 A.3d 232, 243-244 (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 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, 482 (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, 1291 (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. 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 Alison M.](#), 127 Conn. App. 197, 208, 15 A.3d 194, 202 (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 Anna Lee M.](#), 104 Conn. App. 121, 136-137, 931 A.2d 949, 959 (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."

• *Infants*  
**XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need**

**WEST KEY  
NUMBERS:**

1911-1928. Unfitness or Incompetence of Parent or Person in Position Thereof  
1941-1977. Deprivation, Neglect, or Abuse  
2021-2049. Rehabilitation; Reunification Efforts

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 59 *Am. Jur. 2d Parent and Child*, Thomson West, 2023 (Also available on Westlaw).  
III. Parental Rights and Duties  
    § 16. Termination of parent-child relationship
- 32 *POF3d 83, Grounds for Termination of Parental Rights*, by Jacqueline D. Stanley, Thomson West, 1995 (Also available on Westlaw).  
    § 3.5. Grounds for termination of parental rights--Failure to remedy problems causing removal of child

**TEXTS & TREATISES:**

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- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
    Chapter 21. Child Protection by Lynn B. Cochrane  
        Termination of Parental Rights, pp. 534 - 541
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
    Chapter 3, Termination of Parental Rights  
        § 24. Nonconsensual Termination: Grounds  
            B. Failure to rehabilitate  
            E. Predictive failure to rehabilitate

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

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## A Guide to Resources in the Law Library

### **SCOPE:**

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

### **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) (2025)

### **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. (2025)

#### [Chapter 319a](#). Child Welfare

§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.

#### [Chapter 803](#). Termination of Parental Rights and Adoption

§ [45a-717](#). 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.

- Lawrence K. Furbish, *Federal Adoption and Safe Families Requirements*. Office of Legislative Research Report, [98-R-0627](#) (April 17, 1998).

### **CASES:**

- [In re Lilyana L.](#), 186 Conn. App. 96, 105-106, 198 A.3d 662, 668 (2018). “In *In re Brianna T.*, *supra*, 2009 WL 659196, the court was unable to ‘determine from the evidence which of the two [parents] inflicted the fatal blow to [the child’s] head’ and, therefore, declined to find that the child’s father killed her through a deliberate, nonaccidental act. In *In re Egypt E.*, *supra*, 2015 WL 4005340, the trial court found that § 17a-112 (j) (3) (F) was not satisfied as to the father because ‘clear and convincing evidence on the issue of the identity of the perpetrator [was] lacking.’ These cases, however, are distinguishable from the present case. In both *In re Brianna T.* and *In re Egypt E.*, the trial court was unable to determine

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whether one of two parents had any role in the child's abuse. In contrast, the court in the present case found that '[the respondent] and [William] ... engaged in a course of conduct that makes them both the direct cause for Avah's serious bodily injuries."

- [In re Rachel J.](#), 97 Conn. App. 748, 756, 905 A.2d 1271, 1276 (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.'"

**WEST KEY NUMBERS:**

- *Infants*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need  
1941-1977. Deprivation, Neglect, or Abuse

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 32 POF3d 83, , *Grounds for Termination of Parental Rights*, by Jacqueline D. Stanley, Thomson West, 1995 (Also available on Westlaw).  
§ 7.3. Grounds for termination of parental rights—Crime committed on other parent

**TEXTS & TREATISES:**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541
- *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom et al., Thomson West, 2025 (also available on Westlaw).  
Chapter 5. Adoption and Parental Rights  
§ 5:9. Hearing, investigation and report, grounds for termination of parental rights, consent terminations

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

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A Guide to Resources in the Law Library

**SCOPE:** Bibliographic sources relating to a conviction of sexual assault resulting in the conception of a child as grounds for termination of parental rights in Connecticut.

**DEFINITIONS:**

- “[E]xcept as provided in subsection (h) of this section, the parent committed an act that constitutes 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 of the general statutes, revision of 1958, revised to January 1, 2019, if such act resulted in the conception of the child;” Conn. Gen. Stat. § [45a-717](#)(g)(2)(G) (2025)
- “[T]he parent was finally adjudged guilty of sexual assault under section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or of compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, if such act resulted in the conception of the child.” Conn. Gen. Stat. § [45a-717](#)(g)(2)(H) (2025)

**STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-717](#). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

**LEGISLATIVE:**

- *Termination of Parental Rights in Sexual Assault Cases*, Michelle Kirby, Connecticut General Assembly, Office of Legislative Research Report, [2022-R-0283](#) (December 28, 2022).
- *Federal Adoption and Safe Families Requirements*, Lawrence K. Furbish, Connecticut General Assembly, Office of Legislative Research Report, [1998-R-0627](#) (April 17, 1998).

[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.

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 59 *Am. Jur. 2d Parent and Child*, Thomson West, 2023 (Also available on Westlaw).  
    § 16. Termination of parent-child relationship
- 32 *POF3d 83, Grounds For Termination of Parental Rights*, by Jacqueline D. Stanley, Thomson West, 1995 (Also available on Westlaw)  
    § 7.3. Grounds for termination of parental rights—Crime committed on other parent

**TEXTS & TREATISES:**

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- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
    Chapter 21. Child Protection by Lynn B. Cochrane  
    Termination of Parental Rights, pp. 534 - 541
- *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom et al., Thomson West, 2025 (also available on Westlaw).  
    Chapter 5. Adoption and Parental Rights  
    § 5:9. Hearing, investigation and report, ground for termination of parental rights, consent terminations

Table 3: Proof of Grounds for Terminating Parental Rights

<p><b>Proof of Grounds for Terminating Parental Rights</b> 32 POF 3d 83 (1995) By Jacqueline D. Stanley</p>
<p><b>II. Elements of Proof</b></p>
<p>§ 11. Proof of grounds for termination of parental rights; Checklist</p>
<p><b>III. Model Discovery</b></p>
<p>§ 12. Petitioner's interrogatories to defendant</p>
<p><b>IV. Proof of grounds for terminating parental rights</b></p>
<p>A. Testimony of social worker</p> <p>§ 13. Failure to provide appropriate supervision</p> <p>§ 14. Failure to provide a stable home</p> <p>§ 15. Failure to provide necessities</p> <p>§ 16. Signs of alcohol or drug abuse</p> <p>§ 17. Failure to provide contact, love or affection</p> <p>§ 18. Failure to correct problems</p> <p>§ 19. Failure to support, contact or plan for the future of child in foster care</p>
<p>B. Testimony of Psychologist</p> <p>§ 20. Mental incapacity</p> <p>§ 21. Emotional instability</p> <p>§ 22. Overall observations</p>
<p>C. Testimony of Natural Father [Defendant]</p> <p>§ 23. Failure to resume custody of a child in foster care</p> <p>§ 24. Failure to provide financial support</p> <p>§ 25. Failure to contact or communicate with child</p> <p>§ 26. Incarceration</p> <p>§ 27. Failure to use available resources</p>
<p>D. Testimony of Pediatrician</p> <p>§ 28. Physical evidence of neglect or abuse</p> <p>§ 29. Unexplained injuries</p> <p>§ 30. Expert opinion that child has been abused</p>
<p>E. Testimony of Child Psychologist</p> <p>§ 31. Expert opinion that termination is in the child's best interest</p>
<p>Each of our law libraries own the Connecticut treatises cited. You can <a href="#">contact</a> us or visit our <a href="#">catalog</a> to determine which of our law libraries own the other treatises cited or to search for more treatises.</p> <p>References to online databases refer to in-library use of these databases. Remote access is not available.</p>

## Section 4: Procedures in Termination of Parental Rights

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### 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\(b\)](#) (2025)
- "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\(c\)](#) (2025)
- "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 Baciany R.](#), 169 Conn. App. 212, 231, 150 A.3d 744, 756 (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 termination of parental rights cases in Connecticut.

### **DEFINITIONS:**

- **Probate Court:** "A petition under this section shall be filed in the Probate Court for the district in which (1) the petitioner resides, (2) the child resides, is domiciled or is located at the time of the filing of the petition, or (3) in the case of a minor who is under the guardianship of any child care facility or child-placing agency, in the Probate Court for the district in which any 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 (3) of subsection (b) of section 45a-716." Conn. Gen. Stat. § [45a-715](#)(e) (2025)
- **Superior Court:** "Before a hearing on the merits in any case in which a petition for termination of parental rights is contested in a Probate Court, the Probate Court shall, on the motion of any legal party except the petitioner, or may on its own motion or that of the petitioner, transfer the case to the Superior Court in accordance with rules adopted by the judges of the Supreme Court." Conn. Gen. Stat. § [45a-715](#)(g) (2025)
- **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 a Regional Children's Probate Court established pursuant to section 45a-8a." Conn. Gen. Stat. § [45a-715](#)(g) (2025)
- **Transfer:** "If the case is transferred, the clerk of the Probate Court shall transmit to the clerk of the Superior Court or the Regional Children's Probate Court to which the case was transferred, the original files and papers in the case. The Superior Court or the Regional Children's 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) (2025)

### **STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.

[Chapter 803](#). Termination of Parental Rights and Adoption

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.

- § [45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements.
- § [45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.
- § [45a-717](#). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

#### [Chapter 815t](#). Juvenile Matters

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

#### **COURT RULES:**

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

- Conn. Practice Book (2026)  
[Chapter 35a](#). Hearings Concerning Neglected, Abused and Uncared For 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
- Connecticut Probate Court Rules of Procedure (2022)  
[Rule 40](#). Children's Matters: General Provisions  
Section 40.16. Transfer of contested removal or termination petition to Superior Court

#### **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.

- Backgrounder: Termination of Parental Rights*, Katherine Dwyer, Connecticut General Assembly, Office of Legislative Research 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 Lori Beth D.*, 21 Conn. App. 226, 229, 572 A.2d 1027, 1029 (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."

#### **WEST KEY NUMBERS:**

- Infants*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need  
2061-2113. Proceedings

## **TEXTS & TREATISES:**

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References to online databases refer to in-library use of these databases. Remote access is not available.

- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.  
    Chapter 13. Termination of Parental Rights  
        § 13:2. Jurisdiction
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
    Chapter 3, Termination of Parental Rights  
        § 21. Termination petitions
- Connecticut Estates Practice Series, *Probate Jurisdiction and Procedure in Connecticut*, 3d ed., by Ralph H. Folsom, et al., 2025 ed., Thomson West (also available on Westlaw).  
    Chapter 2. Probate Court Jurisdiction and Powers  
        § 2:29. Probate court jurisdiction over termination of parental rights and child custody

## 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](#)(p) (2026)
- **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) (2025)
- **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) (2025)

**STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements.

**COURT RULES:**

- Conn. Practice Book (2026)  
[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 of alleged genetic parent unknown; location of respondent, person presumed to be the

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

parent pursuant to General Statutes § 46b-488 (a) (3) or alleged genetic parent 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](#) (2024).
  - [Rule 40](#). Children's Matters: General Provisions  
Section 40.22. Files and reports of family specialist
  - [Rule 72](#). News Media Coverage  
Section 72.2. News media coverage not permitted
- *Backgrounder: Termination of Parental Rights*, Katherine Dwyer, Connecticut General Assembly, Office of Legislative Research Report, [2017-R-0113](#) (September 27, 2017).

#### **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.

#### **FORMS:**

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

- [Probate Court Forms](#)
  - [PC-600](#). Petition/Termination of Parental Rights (rev. 07/23)
  - [PC-600CI](#). Confidential Information/Petition/Termination of Parental Rights (rev. 8/19)
- Superior Court, Family Matters
  - [JD-FM-164](#). Affidavit Concerning Children (rev. 11/24)
- Superior Court, Juvenile Matters
  - [JD-JM-40](#) Notice/Summons and Order for Hearing – Termination of Parental Rights (rev. 11/24)
- *19 Am. Jur. Pleading and Practice Forms Parent and Child (2017)*.
  - II. Actions Affecting the Parent-Child Relationship
  - D. Termination of Parent-Child Relationship
    - § 89. Petition or application—To terminate parental rights of incompetent parent—By state agency and foster parents
    - § 90. Petition or application—By child through guardian ad litem—For termination of parent-child relationship
    - § 91. Petition or application—By third person—To terminate parent-child relationship—Relinquishment

by mother—Abandonment by one parent; voluntary relinquishment of parental rights by other  
§ 93. Petition or application—By foster parents—Involuntary termination of parental rights of natural parents—Joinder by public child welfare agency

**CASES:**

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- [In re Gabriel S.](#), 347 Conn. 223, 296 A.3d 829 (2023). "In support of his claim that his due process rights were violated, the respondent claims that the statutory procedures and rules of practice governing petitions to terminate parental rights clearly require the petitioner to amend the grounds elected on the preprinted petition form, which is promulgated by the Judicial Branch, when the petitioner has been granted permission to amend a petition. Specifically, he relies on § 45a-715 (b) (6) ('[the petition to terminate parental rights] shall set forth with specificity . . . the facts upon which termination is sought, [and] the legal grounds authorizing termination'), § 45a-715 (c) ('[i]f the information required under subdivisions (2) and (6) of subsection (b) of this section is not stated, the petition shall be dismissed'), and Practice Book § 33a-1 (a) ('[t]he petitioner shall set forth with reasonable particularity, including statutory references, the specific conditions which have resulted in the situation which is the subject of the petition'). He effectively claims that principles of due process require strict compliance with these procedures. We disagree.

First, contrary to the respondent's contention, these provisions do not clearly and unambiguously require the petitioner to amend the preprinted form petition to terminate parental rights, rather than the summary of the facts, when the trial court has granted a motion to amend. We note that Practice Book § 33a-1 (b) provides in relevant part that the 'summary of the facts substantiating the allegations of the petition . . . shall be attached thereto and shall be incorporated by reference.' Accordingly, it is arguable that an amendment to the summary of the facts would be incorporated into, and thereby amend, the petition itself." (pp. 233-234)

"Moreover, even if we were to assume that the statutory and Practice Book provisions governing petitions to terminate parental rights require the petitioner to amend the form petition and that the failure to comply strictly with that requirement violates due process, any such violation would be harmless beyond a reasonable doubt in the present case. . . To the extent that the respondent claims that he did not receive adequate notice that his failure to rehabilitate would be one of the grounds for terminating his parental rights when the trial continued because it was possible that the petitioner would proceed under ground (B) (i), any constitutional violation was harmless beyond a reasonable doubt because he makes no claim that there was additional evidence on that

issue that he would have presented if he had received adequate notice." (pp. 237-238)

- [In re Jayce O.](#), 323 Conn. 690, 712, 150 A.3d 640, 652-653 (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 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, 1269 (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."
- *Infants*

**WEST KEY  
NUMBERS:**

XIV. Dependency, Permanent Custody, and Termination of  
Rights; Children in Need  
2061-2113. Proceedings

**TEXTS &  
TREATISES:**

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Termination of Parental Rights, pp. 534 - 541
- *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom et al., Thomson West, 2025 (also available on Westlaw).  
Chapter 5. Adoption and Parental Rights  
§ 5:7. Termination of parental rights and appointment of guardian or statutory parent for adoption petition
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3. Termination of Parental Rights  
§ 21. Termination petitions

## Section 4c: Parties and Standing in TPR Proceedings

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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 case 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." Conn. Gen. Stat. § [45a-715](#)(a) (2025) (Emphasis added)
- **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." Conn. Gen. Stat. § [17a-112](#)(a) (2025) (Emphasis added)
- **Relative:** "means 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) (2025)
- **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, 362 (1985).

**STATUTES:**

- Conn. Gen. Stat. (2025)
  - [Chapter 319a](#). Child Welfare
    - § [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § [45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements.

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**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 Emilia M.](#), 233 Conn. App. 565, 341 A.3d 439 (2025). "As a result of the respondent's failure to challenge the judgments terminating her parental rights, the petitioner has raised a threshold jurisdictional issue as to whether the respondent has standing to pursue this appeal. Specifically, the petitioner argues that, because the respondent has not challenged any aspect of the judgments terminating her parental rights, she effectively has conceded that those judgments are 'legally and factually sound.' Therefore, the petitioner, citing [In re Gabriella M.](#), 221 Conn. App. 844, 851, 303 A.3d 330, cert. denied, 348 Conn. 925, 304 A.3d 442 (2023), contends that the respondent 'lacks standing to challenge the [denial of] . . . her motion for permanent transfer of guardianship,' in that '[b]ecause her [parental] rights have properly been terminated, she no longer has an interest in the children and is not aggrieved by the denial of the motion for permanent transfer of guardianship.'" (p. 574)

"Like the respondent father in [In re Gabriella M.](#), the respondent in the present case had an interest in the outcome of her motion to transfer guardianship of the children at the termination trial, before the termination of her parental rights. Because her parental rights have been terminated and she has not raised any challenge to the judgments terminating those rights, she 'no longer had a specific, personal and legal interest that was specially and injuriously affected by the trial court's denial of' her motion to transfer guardianship. *Id.*, 851. That is, 'in the context of this appeal, the court's [denial of] the motion for permanent transfer of guardianship does not interfere with any interest of the respondent . . . .' *Id.* The termination of the respondent's parental rights severed her legal relationship with her children, such that she no longer has a constitutional right to direct her children's upbringing, and she is, in effect, a ' "legal stranger" ' to the children. *Id.*, 849. Therefore, the respondent is not aggrieved by the court's decision denying her motion to transfer guardianship." (p. 579)

- [In re Jacob W.](#), 178 Conn. App. 195, 203, 172 A.3d 1274, 1282 (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, 68-69 (2017). "This court 'has stated that a person or entity does 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, 1289 (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 (September 2, 2011) (2011 Conn. Super. LEXIS 2323) (2011 WL 4582595). "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, 363 A.2d 110 (1975)."

- *In re Bruce R.*, 34 Conn. App. 176, 181, 640 A.2d 643, 645 (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."
- *In re Jason D.*, 13 Conn. App. 626, 629-631, 538 A.2d 1073 (1988). "In a well-reasoned memorandum of decision, the trial court considered the relevant statutory provisions and their legislative history. It then reached the following conclusions: (1) the Superior Court, sitting as a Court of Probate following transfer of a contested termination petition filed under § 45-61c [45a-715], lacks jurisdiction to entertain such petition when the subject child is committed to DCYS under § 46b- 129; (2) only DCYS or the attorney for a committed child may file petitions to terminate parental rights of committed children, which petitions must originate in the Superior Court; (3) neither the Probate Court nor the Superior Court may entertain petitions to terminate the parental rights of any child over the age of fourteen [now twelve] who has not affirmatively joined in such petition."

We find that the third of these conclusions is dispositive of this appeal. Even if we assume without deciding that the parents may petition the Court of Probate to terminate their parental rights over a committed child pursuant to the provisions of § 45-61c(a), as the petitioners maintain they are entitled to do, § 45-61c(a) contains the proviso that where the minor child with respect to whom the petition is brought has attained the age of twelve, the minor child shall join the petition. It is not necessary for us to decide whether the parents may petition the Court of Probate in such circumstances because the petitioners do not assert any authority other than § 45-61c for their petition, and the record is clear that the child was over fourteen and did not join in the petition. The jurisdiction of the Court of Probate is governed entirely by statute and it may only act as authorized by statute. . . A court which exercises a limited and statutory jurisdiction is without jurisdiction to act unless it does so under the precise circumstances and in the manner particularly prescribed by the enabling legislation. . . Where the petition does not show that the minor child joined in the petition, the Court of Probate lacked jurisdiction to entertain it. Since the Probate Court lacked jurisdiction of the subject matter, so too did the Superior Court after the transfer to it of the petition, and the court was correct in dismissing the petition." (Internal citations omitted.)

**WEST KEY  
NUMBERS:**

- *Infants*

XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need  
2061-2113. Proceedings

**TEXTS &  
TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 4 *Child Custody & Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2025 (Also available on Lexis).
  - Chapter 28. Termination of parental rights
    - § 28.02. Elements of the proceeding
      - [3]. Standing to maintain proceeding
        - [a]. In general
        - [b]. Foster parent standing
        - [c]. Grandparent standing
        - [d]. Child standing
  - *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.
    - Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541
  - *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.
    - Chapter 3, Termination of Parental Rights.
      - B. Parties and standing
      - § 8. Neglect petitions
      - § 21. Termination petitions

## Section 4d: Notice

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to notice in a termination of parental rights case in Connecticut.

**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 minor child, if age twelve or older; (2) the parent or parents of the minor child, including any parent who has been removed as guardian; (3) the alleged genetic parent of any minor child born to parents not married to each other, provided at the time of the filing of the petition (A) the alleged genetic parent has been adjudicated the parent of such child by a court of competent jurisdiction, (B) the alleged genetic parent has acknowledged in writing that the alleged genetic parent is the parent of such child, (C) the alleged genetic parent has contributed regularly to the support of such child, (D) the name of the alleged genetic parent appears on the birth certificate, (E) the alleged genetic parent has filed a claim for parentage as provided under section 46b-571, or (F) the alleged genetic parent has been named in the petition as the parent of the child by the parent who gave birth; (4) the guardian or any other person whom the court deems appropriate; (5) the Commissioner of Children and Families; and (6) 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) (2025)

- **Representation by counsel:** "If the recipient of the notice is a person described in subdivision (2) or (3) 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 shall 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) (2025)
- **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 not less than 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\(c\)](#) (2025)

- **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 not less than 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\(c\)](#) (2025)

#### **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. (2025)
  - [Chapter 319a](#). Child Welfare
    - § [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § [45a-716](#). Hearing on petition to terminate parental rights. Notice. Attorney General as party.
    - § [45a-717](#). 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.

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

#### **CASES:**

- [In re Gabriel S.](#), 347 Conn. 223, 237-238, 296 A.3d 829 (2023). "[E]ven if we were to assume that the statutory and Practice Book provisions governing petitions to terminate parental rights require the petitioner to amend the form

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.

petition and that the failure to comply strictly with that requirement violates due process, any such violation would be harmless beyond a reasonable doubt in the present case. . . . To the extent that the respondent claims that he did not receive adequate notice that his failure to rehabilitate would be one of the grounds for terminating his parental rights when the trial continued because it was possible that the petitioner would proceed under ground (B) (i), any constitutional violation was harmless beyond a reasonable doubt because he makes no claim that there was additional evidence on that issue that he would have presented if he had received adequate notice."

- [In re Christian P.](#), 98 Conn. App. 264, 267-268, 907 A.2d 1261, 1264 (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, 488 (1999). "Although the commissioner did fail to check the 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, 300 (1997). "The mother's failure to object to 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, 288 (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, Permanent Custody, and Termination of Rights; Children in Need  
2070. Proceedings—Notice and process

**TEXTS &  
TREATISES:**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, p. 534 et seq.
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3. Termination of Parental Rights  
§ 21. Termination petitions

## 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 in Connecticut.

### **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, 1173 (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)." [In re Tabitha P.](#), 39 Conn. App. 353, 361-362, 664 A.2d 1168, 1173 (1995).
- **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) (2025)

### **STATUTES:**

- Conn. Gen. Stat. (2025)

#### [Chapter 319a](#). Child Welfare

§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.

#### [Chapter 803](#). Termination of Parental Rights and Adoption

§ [45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements.

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.

§ 45a-716. Hearing on petition to terminate parental rights. Notice. Attorney General as party.

§ 45a-717. Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

**COURT RULES:**

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

- Conn. Practice Book (2026)

[Chapter 32a](#). Rights of Parties Neglected, Abused and Uncared For 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 or drug abuse treatment records as evidence

§ 32a-9. Competency of parent

[Chapter 34a](#). Pleadings, Motions, and Discovery - Neglected, Abused and Uncared For Children and Termination of Parental Rights

[Chapter 35a](#). Hearings Concerning Neglected, Abused and Uncared For Children and Termination of Parental Rights

§ 35a-3. Coterminous 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

**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.

- *Department of Children and Families Reunification Process*, Jessica Callahan, Connecticut General Assembly, Office of Legislative Research Report, [2022-R-0057](#) (December 22, 2022).
- *Background: Termination of Parental Rights*, Katherine Dwyer, Connecticut General Assembly, Office of Legislative Research Report, [2017-R-0113](#) (September 27, 2017).

**CASES:**

**Adjudicatory Phase**

- [In re A.H.](#), 226 Conn. App. 1, 317 A.3d 197, cert. denied at 349 Conn. 918 (2024). "During the adjudicatory phase of a termination proceeding, a court generally is limited to considering only evidence that occurred before the date of the filing of the petition or the latest amendment to the petition, often referred to as the adjudicatory date. . . . Nevertheless,

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.

it may rely on events occurring after the [adjudicatory] date . . . [in] considering the issue of whether the degree of rehabilitation is sufficient to foresee that the parent may resume a useful role in the child's life within a reasonable time.' (Citations omitted; internal quotation marks omitted.) *In re Niya B.*, 223 Conn. App. 471, 487-89, 308 A.3d 604, cert. denied, 348 Conn. 958, 310 A.3d 960 (2024)." (p. 17)

"The respondent first claims that the court's reliance on social studies submitted into evidence by the commissioner during the adjudicatory phase was impermissible under § 45a-717 (e) (1) and Practice Book § 35a-9, which he argues permit the court's consideration of and reliance on information in social studies solely during the dispositional phase. He further argues that, because *In re Tabitha P.*, supra, 39 Conn. App. 353, was decided prior to the enactment of General Statutes § 1-2z,10 which he asserts 'establishes policies of statutory construction that were not utilized by this court in considering the relevant statutory elements at work,' this court should conduct a new analysis of 'the judicial gloss applied in' *In re Tabitha P.* We disagree that the court's reliance on the social studies in the adjudicatory phase violated § 45a-717 (e) (1) and Practice Book § 35a-9, but we take this opportunity to resolve the persistent issue of the scope of *In re Tabitha P.* and the permissible use of a social study in the adjudicatory phase." (pp. 18-19)

- *In re Elijah C.*, 326 Conn. 480, 500, 165 A.3d 1149, 1161 (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 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.)."
- *In re Luis N.*, 175 Conn. App. 307, 327-328, 167 A.3d 476, 488 (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)."

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### ***Dispositional Phase***

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- *In re Luis N.*, 175 Conn. App. 271, 306, 165 A.3d 1270, 1292 (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, 876 (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. 204."
- *In re Carla C.*, 167 Conn. App. 248, 257-258, 143 A.3d 677, 685 (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)."
- *Infants*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need

**WEST KEY  
NUMBERS:**

## 2093-2099. Hearing

### ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 16B *Am. Jur. 2d Constitutional Law*, Thomson West, 2020 (Also available on Westlaw).  
XIV. Due Process of Law  
D. Hearing  
§ 999. Presence of person at trial and right to counsel under due process requirements
- 16D *C.J.S. Constitutional Law*, Thomson West, 2015 (Also available on Westlaw).  
XXII. Particular Applications of Due Process Guaranty  
§ 2140. Due process considerations with respect to termination of parental rights  
§ 2141. —Standard of proof  
§ 2142. Due process considerations with respect to determination of parental rights—Appointment of counsel

### TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.  
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
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3, Termination of Parental Rights.  
§ 21. Termination petitions  
B. Parties and standing

## Section 4f: Reasonable Effort to Locate and Reunify

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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 during termination of parental rights proceedings in Connecticut.

**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, 872 (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\(j\)](#) (2025)
- **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, 829 (2005).

**STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-717](#). Termination of parental rights. Conduct of hearing. Investigation and report. Grounds for termination.

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.

**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 Unique R.](#), 170 Conn. App. 833, 850-851, 156 A.3d 1, 11 (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, 688 (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, 955 (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, 1274-1275 (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 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, 243-244, 41 A.3d 664, 671 (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, 412, 787 A.2d 592, 599-600 (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, Permanent Custody, and Termination of Rights; Children in Need  
2021-2049. Rehabilitation; Reunification Efforts

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

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

**TEXTS &  
TREATISES:**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3, Termination of Parental Rights.  
§ 25. Nonconsensual termination: other requirements  
B. 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 termination of parental rights proceedings in Connecticut.

**DEFINITIONS:**

- **Factors:** "Except in the case where termination of parental rights is based on consent, in determining whether to terminate parental rights under this section, the court shall consider and shall make written findings regarding: (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." Conn. Gen. Stat. §§ § [17a-112](#)(k) (See also [45a-717](#)(i)) (2025)

**STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
[Chapter 803](#). Termination of Parental Rights and Adoption

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

§ 45a-717. 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.

- *Backgrounder: Termination of Parental Rights*, Katherine Dwyer, Connecticut General Assembly, Office of Legislative Research 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 Janeleah I.](#), 233 Conn. App. 633, 341 A.3d 390 (2025). "Section 17a-112 (k) (7) requires the trial court to make written findings concerning the extent to which the unreasonable conduct of another person or the economic circumstances of the respondent prevented the respondent from maintaining a meaningful relationship with Janeleah. The petitioner concedes that '[t]he trial court did not expressly make this finding.' The petitioner argues, however, that the court 'made factual findings that otherwise support the finding that [the respondent was] not prevented from maintaining a meaningful relationship with Janeleah.' Specifically, the petitioner points to the portion of the adjudicatory findings section in which the court found that '[t]he department has provided both parents with regular visitation.' Although this finding demonstrates that the department had made efforts to reunite the respondent with Janeleah by offering visitation, nowhere in the court's decision does it state whether the department, the father, or any other person engaged in unreasonable conduct that hindered the respondent's ability to maintain a relationship with Janeleah. Nor does the court's decision state whether the respondent's economic circumstances hindered that ability. No findings of fact indicate that the court considered the extent to which the unreasonable conduct of another person or the economic circumstances of the respondent prevented her from maintaining a meaningful relationship with Janeleah. Thus, the court failed to make the written findings mandated by § 17a-112 (k) (7)." (pp. 654-655)

"To uphold the trial court's best interest determination in the complete absence of written findings concerning one of the statutory factors would contradict the plain language of § 17a-112 (k), which provides in relevant part that 'the court . . . shall make written findings regarding' each of the seven factors. (Emphasis added.) The legislature's use of the word 'shall' indicates that the written findings are mandatory. See [1st Alliance Lending, LLC v. Dept. of Banking](#), 342 Conn. 273, 282, 269 A.3d 764 (2022) ('use of the word shall generally

evidences an intent that the statute be interpreted as mandatory' (internal quotation marks omitted)); *Silver v. Holtman*, 149 Conn. App. 239, 252–53, 90 A.3d 203 ('[a]bsent an indication to the contrary, the legislature's choice of the mandatory term shall rather than the permissive term may indicates that the legislative directive is mandatory' (emphasis added; internal quotation marks omitted)), cert. denied, 312 Conn. 904, 91 A.3d 906 (2014). Indeed, this court has previously stated that trial courts are 'mandated' to make written findings concerning the seven best interest factors." (pp. 660-661)

"More importantly, '[b]ecause a respondent's fundamental right to parent his or her child is at stake, [t]he statutory criteria [set forth in § 17a-112] must be strictly complied with before termination can be accomplished and adoption proceedings begun.' (Internal quotation marks omitted.) *In re J. D.*, 232 Conn. App. 714, 723 n.12, A.3d , cert. denied, 352 Conn. 942, A.3d (2025). We, therefore, conclude that the court's failure to make any discernible written findings regarding the factor set forth in § 17a-112 (k) (7) requires reversal of the court's best interest determination." (p. 661)

- *In re Daniel N.*, 163 Conn. App. 798, 807, 134 A.3d 624, 630 (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.' (Footnote omitted; internal quotation marks omitted.) *In re Joseph M.*, supra, 158 Conn. App. at 868–69."
- *In re Nevaeh W.*, 317 Conn. 723, 740, 120 A.3d 1177, 1188 (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, 211 (1990). "Whether the six factors listed in 17-43a (d) [now 17a-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."

**WEST KEY  
NUMBERS:**

- *Infants*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need  
1886. In general—Needs, interest, and welfare of child  
1890. In general—Parental relationship or bond

**TEXTS &  
TREATISES:**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3, Termination of Parental Rights  
§ 25. Nonconsensual termination: other requirements  
B. Seven dispositional factors

**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.*, no. 3, pp. 199-209 (2017).

## 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 in Connecticut.

### **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](#) (2025)
- **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." Conn. Gen. Stat. § [45a-719](#) (2025)
- **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." Conn. Gen. Stat. § [45a-719](#) (2025)

### **STATUTES:**

- Conn. Gen. Stat. (2025)  
[Chapter 803](#). Termination of Parental Rights and Adoption  
[§ 45a-719](#). Reopening judgment terminating parental rights. Best interest of child. Final decree of adoption.

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

**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.

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

**CASES:**

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- [In re Jaelynn K.-M.](#), 229 Conn. App. 371, 392, 327 A.3d 1013, cert. denied at 351 Conn. 904 (2024). ". . . [T]he respondent fails to explain what additional evidence she would have presented had she and her counsel received proper notice of the August 2, 2023 proceeding. See, e.g., [In re Gabriel S.](#), *supra*, 347 Conn. 238 (finding any constitutional violation harmless beyond reasonable doubt where respondent made 'no claim that there was additional evidence on that issue that he would have presented if he had received adequate notice'). The respondent does not challenge the sufficiency of the court's notice regarding the January 4, 2024 hearing on her motion to open, and we reiterate that the respondent failed to put on any evidence regarding a good defense to the termination of her parental rights despite having the opportunity—and the statutory burden—to do so at that hearing."
- [In re Samuel R.](#), 163 Conn. App. 314, 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." (p. 320)

"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. 566].' 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, 1263 (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 at Stamford, No. F02CP03002800A (December 17, 2008) (2008 Conn. Super. LEXIS 3235) (2008 WL 5540448). “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 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 A.2d 70, 73 (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.”

#### **TEXTS & TREATISES:**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3, Termination of Parental Rights.  
§ 26. Post-judgment procedures  
B. Motions to open

## Section 4i: Appeals in Juvenile Matters

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A Guide to Resources in the Law Library

**SCOPE:**

Bibliographic resources relating to appeals of judgments terminating parental rights in Connecticut.

**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. If an extension to file an appeal is granted, the extension may not exceed an additional twenty days in all child protection appeals, except in an appeal in a termination of parental rights proceeding, the extension may not exceed an additional forty days pursuant to Section 79a-2." Conn. Practice Book § [35a-21](#)(a) (2026)
- **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, the reviewing attorney shall notify the court, and the court shall grant the indigent party's application for appellate counsel, who 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) (2026)
- **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 for an appeal from a judgment that did not result in a termination of parental rights (the original twenty days plus one twenty day extension for appellate review) or past sixty days for an appeal from a judgment terminating parental rights (the original twenty days plus one forty 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) (2026)
- **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, 1173-1174 (1995).

**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. (2025)

[Chapter 319a](#). Child Welfare

§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.

[Chapter 803](#). Termination of Parental Rights and Adoption

§ [45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements.

[Chapter 815t](#). Juvenile Matters

§ [46b-142](#). Venue of petitions. Appeal to Appellate Court. Expedited hearing in termination of parental rights appeals.

§ [46b-143](#). Notice of appeal.

**COURT RULES:**

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

- Conn. Practice Book (2026)

[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

**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.

- *Background: Termination of Parental Rights*, Katherine Dwyer, Connecticut General Assembly, Office of Legislative Research 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 Josyah L.-T.](#), 224 Conn. App. 345, 349, 312 A.3d 593 (2024). “On appeal, the respondent asserts that this court should recognize her right to be the legal guardian of Josyah because she would be a better caregiver to him than the petitioner. The respondent’s appellate brief does not identify any claim of legal or factual error that the court made in rendering judgment terminating her parental rights.

It is well established that, ‘[a]lthough self-represented parties are not excused from complying with relevant rules of procedural and substantive law, [i]t is the established policy of the Connecticut courts to be solicitous of [self-represented] litigants when it does not interfere with the rights of other parties to construe the rules of practice liberally in favor of the [self-represented] party. . . . Thus, like the trial court, [this court] will endeavor to see that such a litigant shall have the opportunity to have [her] case fully and fairly heard so far as such latitude is consistent with the just rights of any adverse party. . . . Nonetheless, [a]lthough we allow [self-represented] litigants some latitude, the right of self-representation provides no attendant license not to comply with relevant rules of procedural and substantive law . . . and [w]e repeatedly have stated that [w]e are not required to review issues that have been improperly presented to this court through an inadequate brief. . . . Analysis, rather than mere abstraction, is required in order to avoid abandoning an issue by failure to brief the issue properly. . . . For a reviewing court to judiciously and efficiently . . . consider claims of error raised on appeal . . . the parties must clearly and fully set forth their arguments in their briefs.’ (Internal quotation marks omitted.) [In re Olivia W.](#), 223 Conn. App. 173, 182–83, 308 A.3d 571 (2024).

By failing to identify any cognizable claim of error in the trial court’s decision, the respondent has abandoned any possible claim related to the judgment from which she has appealed. The respondent’s status as a self-represented party does not permit us to overlook such omission. Because the respondent has abandoned any claim of error related to the judgment, we are unable to afford her any relief in connection with this appeal.”

- [In re Damian G.](#), 178 Conn. App. 220, 257, 174 A.3d 232, 254 (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; we reiterate that 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.”
- [In re Elijah C.](#), 326 Conn. 480, 494, 165 A.3d 1149, 1157–1158 (2017). “Accordingly, we concluded in [In re Jorden 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, 62 (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 biological mother is an appealable final judgment.”
- [In re Savannah Y.](#), 172 Conn. App. 266, 271, 158 A.3d 864, 871 (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, 473 (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, 50 (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).”
- *Infants*  
XIV. Dependency, Permanent Custody, and Termination of Rights; Children in Need  
2361-2435. Appeal and Review

**WEST KEY  
NUMBERS:**

## **TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Connecticut Lawyers' Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection by Lynn B. Cochrane  
Termination of Parental Rights, pp. 534 - 541
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.  
Chapter 13. Termination of Parental Rights  
§ 13:34. Appeal
- *The Law of Child Abuse and Neglect in Connecticut*, by Paul Chill, University of Connecticut Legal Clinic, 1997.  
Chapter 3. Termination of Parental Rights  
§ 17. Appeals  
§ 21. Termination petitions  
B. Parties and standing

Table 4: Post-Termination Visitation

Post-Termination Visitation
<p><b>Court Rules:</b> (2026)</p> <p><b>"(New) § 35a-24. Motions for Posttermination Visitation.</b></p> <p>(a) Whenever any party seeks an order for posttermination visitation in the context of the termination of parental rights proceeding, the movant shall file a motion in accordance with Section 34a-1.</p> <p>(b) The judicial authority shall hold an evidentiary hearing to determine whether such an order is necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child.</p> <p>(c) Upon motion of any party or upon its own motion, the judicial authority may consolidate the hearing on the motion for posttermination visitation with the termination of parental rights trial.</p> <p>(d) The moving party shall have the burden of proving that posttermination visits are necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child.</p> <p>(e) In deciding whether to order posttermination visitation, the judicial authority may consider: the wishes of the child; the expressed interests of the birth parent; the frequency and quality of visitation between the child and birth parent prior to the termination of the parent's parental rights; the strength of the emotional bond between the child and the birth parent; any interference with present custodial arrangements; any impact on the adoption prospects for the child; and any other factors the judicial authority finds relevant and material.</p> <p>(Adopted June 9, 2023, to take effect Jan. 1, 2024)."</p> <p>From 2024 edition: "COMMENTARY - 2024: The new rule adopts the procedure applicable to motions for posttermination visitation filed in the context of the termination of parental rights proceeding filed pursuant to General Statutes § 46b-121 (b) (1). These requirements have been established by our Supreme Court in <i>In re Ava W.</i>, 336 Conn. 545, 248 A.3d 675 (2020), and <i>In re Annessa J.</i>, 343 Conn. 642, 284 A.3d 562 (2022). In <i>In re Annessa J.</i>, the Court clarified that the applicable legal standard pursuant to § 46b-121 (b) (1) is not the traditional best interest of the child but, rather, that the granting of posttermination visitation must be necessary or appropriate to secure the welfare, protection, proper care and suitable support of the child. The Court further concluded that the 'necessary or appropriate standard is purposefully more stringent than the best interest of the child standard, as the trial court must find that posttermination visitation is necessary or appropriate - meaning proper - to secure the child's welfare.' (Internal quotation marks omitted.) Id., 674. With regard to the substitution of the term 'appropriate' to the term 'proper,' the Court explained that it was warranted because '[t]he term necessary, when used in this context, has one fixed meaning: Impossible to be otherwise . . . indispensable; requisite; [or] essential . . . [and] given the fact that the preceding word in the</p>

standard is necessary, we choose to adopt a definition of appropriate that aligns with the more exacting term, necessary . . . [i.e.,] proper.”

**Cases:**

[In re Ava W.](#), 336 Conn. 545, 248 A.3d 675 (2020).

“Although the respondent in the present case contends that any posttermination visitation should be evaluated on the basis of the child's best interest, we conclude that the more prudent approach when evaluating whether posttermination should be ordered is to adhere to the standard that the legislature expressly adopted—'necessary or appropriate to secure the welfare, protection, proper care and suitable support of [the] child ....' General Statutes § 46b-121 (b) (1) . . .

Whether to order posttermination visitation is . . . a question of fact for the trial court, 'which has the parties before it and is in the best position to analyze all of the factors which go into the ultimate conclusion that [posttermination visitation is in the best interest of the child].'" (p. 589)

[In re Annessa J.](#), 343 Conn. 642, 284 A.3d 562 (2022).

“Specifically, the petitioner contends that the Appellate Court improperly expanded the [In re Ava W.](#) standard by concluding that trial courts “should take a broader view of best interest” in ruling on motions for posttermination visitation, “rather than adhering to the language set forth [in] § 46b-121 (b) (1).” (p. 666)

“Our recent decision in [In re Ava W.](#) squarely governs our analysis in the present case. In [In re Ava W.](#), we held, for the first time, that a trial court has the authority to consider a motion for posttermination visitation when the court considers termination of parental rights pursuant to § 17a-112 (j) . . . This authority, we explained, originates from the trial court's broad authority in juvenile matters, codified at § 46b-121 (b) (1), 'to make and enforce such orders . . . necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child,' including orders impacting parental rights, such as termination and visitation...

Having determined that trial courts possess such authority, we next considered the legal standard and potential factors for trial courts to consider when evaluating motions for posttermination visitation. . . Ultimately, we 'derive[d] the standard for evaluating posttermination visitation from the authority granted to trial courts under § 46b-121 (b) (1)'; id., 588– 89; and concluded that 'the mo[st] prudent approach when evaluating whether posttermination visitation should be ordered is to adhere to the standard that the legislature expressly adopted [in § 46b-121 (b) (1)]— "necessary or appropriate to secure the welfare, protection, proper care and suitable support of [the] child . . . ." Id., 589, quoting General Statutes § 46b-121 (b) (1). In adopting the 'necessary or appropriate' standard, we considered and explicitly rejected the respondent mother's argument that trial courts should employ the 'best interest of the child' standard when ruling on motions for posttermination visitation." (pp. 667-668)

“The Appellate Court maintained that our use of the phrase 'best interest of the child' in that portion of the decision indicates that a trial court should take a broader view of best interest [than the analysis made during the dispositional phase of the termination of parental rights hearing], including consideration of the factors set

forth in *In re Ava W.*, to determine whether posttermination visitation is 'necessary or appropriate to secure the welfare, protection, proper care and suitable support of [the] child.' . . .

We did not, however, intend this sentence, in isolation, to broaden the applicable standard to include a 'best interest of the child' analysis . . . Rather, read in its entirety, our decision in *In re Ava W.* held that trial courts must adhere to the 'necessary or appropriate' standard set forth in § 46b-121 (b) (1), not the 'best interest of the child' standard, when ruling on motions for posttermination visitation." (p. 670)

*In re Riley B.*, 342 Conn. 333, 269 A.3d 776 (2022).

"In *In re Ava W.*, 336 Conn. 545, 248 A.3d 675 (2020), this court held that, if a parent requests posttermination visitation in the course of the proceeding adjudicating the petition for termination of parental rights, the trial court has jurisdiction over such a request and the authority to grant posttermination visitation under appropriate circumstances. . . This court underscored that its decision was limited to this specific procedural posture and explicitly left open the question of whether a trial court has the authority to adjudicate a request for posttermination visitation filed *after* parental rights have been terminated. . . The present appeal arises under the circumstances on which we reserved judgment in *In re Ava W.*" (p. 335)

"We conclude that, posttermination, biological parents lack a legally cognizable interest to support a right to intervene in the juvenile case for the purpose of seeking visitation. Therefore, the appeal must be dismissed for lack of subject matter jurisdiction." (p. 336)

**Treatises:**

- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.  
    Chapter 13. Termination of Parental Rights  
    § 13:36. Post-termination visitation

Table 5: Indian Child Welfare Act

Indian Child Welfare Act
<p><b><u>CT Statutes:</u></b></p> <p><a href="#"><u>Title 17a.</u></a> Social and Human Services and Resources  <a href="#"><u>Chapter 319.</u></a> Department of Children and Families  <a href="#"><u>§ 17a-6g.</u></a> Connecticut Indian Child Welfare Act. Application to actions and proceedings involving an Indian child.</p> <p><a href="#"><u>Title 45a.</u></a> Probate Courts and Procedure  <a href="#"><u>Chapter 803.</u></a> Termination of Parental Rights and Adoption  <a href="#"><u>§ 45a-706a.</u></a> Connecticut Indian Child Welfare Act. Application to actions and proceedings involving an Indian child.  <a href="#"><u>§ 45a-715.</u></a> Petition to terminate parental rights. Cooperative postadoption agreements.</p> <p><a href="#"><u>Chapter 815p.</u></a> Uniform Child Custody Jurisdiction and Enforcement Act  <a href="#"><u>§ 46b-115c.</u></a> Application to Indian tribes.</p> <p><a href="#"><u>Title 46b.</u></a> Family Law  <a href="#"><u>Chapter 815q.</u></a> Connecticut Indian Child Welfare Act      §§ 46b-116 to 46b-116bb      § 46b-116a. Definitions.      § 46b-116b. Jurisdiction.      § 46b-116c. State foster care, termination of parental rights proceedings. Transfer of jurisdiction to Indian tribe. Rights to intervene. Full faith and credit to tribal acts.      § 46b-116d. Required notice to Indian parent, Indian custodian, Indian tribe of state foster care, termination of parental rights proceedings involving Indian child.      § 46b-116i. Evidentiary prerequisite standard for termination of parental rights of Indian child.      § 46b-116j. Form of parental, custodial consent in Indian child foster care placement and termination of parental rights proceedings. Court certification requirements.      § 46b-116l. Withdrawal of parental, custodial consent in termination of parental rights, adoption proceedings involving Indian child.      § 46b-116n. Right of Indian child, parent, custodian, tribe to petition for invalidation of foster care placement, termination of parental rights actions on grounds actions violate state or federal law.      § 46b-116t. Biological parent, Indian custodian petitions for return of custody upon vacation or setting aside of final adoption decree or voluntary termination of adoptive parents' rights to Indian child. Court standard for granting petitions.      § 46b-116u. Continuing requirement to adhere to Connecticut Indian Child Welfare Act. Exception.      § 46b-116w. Authorization of agreement between DCF and Indian tribes regarding care and custody of Indian children. Requirements for agreements.</p>

§ 46b-116x. Jurisdiction in cases where petitioner improperly removed Indian child from parent or custodian or improperly retained custody.  
§ 46b-116y. Emergency removal, placement of Indian child located off reservation to prevent imminent physical damage, harm. Requirements for DCF.

### **Federal Law:**

#### **25 U.S.C. 1901 et seq.**

Chapter 21—Indian Child Welfare (§§ 1901 to 1963)

Chapter 21—Front Matter

§ 1901. Congressional findings

§ 1902. Congressional declaration of policy

§ 1903. Definitions

Subchapter I—Child Custody Proceedings (§§ 1911 to 1923)

§ 1911. Indian tribe jurisdiction over Indian child custody proceedings

§ 1913. Parental rights; voluntary termination

§ 1914. Petition to court of competent jurisdiction to invalidate action upon showing of certain violations

§ 1915. Placement of Indian children

§ 1916. Return of custody

§ 1917. Tribal affiliation information and other information for protection of rights from tribal relationship; application of subject of adoptive placement; disclosure by court

§ 1918. Reassumption of jurisdiction over child custody proceedings

§ 1919. Agreements between States and Indian tribes

§ 1920. Improper removal of child from custody; declination of jurisdiction; forthwith return of child: danger exception

§ 1921. Higher State or Federal standard applicable to protect rights of parent or Indian custodian of Indian child

§ 1922. Emergency removal or placement of child; termination; appropriate action

### **Cases:**

- [In re Kameron N.](#), 202 Conn. App. 628, 246 A.3d 526, cert. denied at 336 Conn. 926 and 336 Conn. 927 (2021). “The sole issue in this appeal from the judgment of the trial court terminating the parental rights of the respondent father, David N., with respect to his minor child, Kameron N., is whether the Rosebud Sioux Tribe (tribe) received proper notice, pursuant to the Indian Child Welfare Act of 1978 (ICWA), 25 U.S.C. § 1901 et seq., of the termination of parental rights proceedings involving the child, who is enrollable as a member of the tribe.” (p. 629)

“The respondent challenges the adequacy of the notice afforded to the tribe solely on the ground that the tribe was not informed of the involuntary nature of the termination proceedings. The plain and unambiguous language of 25 U.S.C. § 1912 (a), however, does not require the department explicitly to tell the tribe that the proceeding was involuntary. It requires that notice be given ‘in any involuntary proceeding,’ and it sets forth the information that must be contained in that notice, such as the identities of the parties to the proceeding and the tribe’s right to intervene. It does not require notification of the voluntary or

involuntary nature of the proceedings. Moreover, because the tribe is not entitled to intervene in voluntary proceedings. . . the fact that notice was sent to the tribe was indicative of the involuntary nature of the termination proceedings in this case." (pp. 635)

- In re Kameron N., 202 Conn. App. 637, 644-645, 246 A.3d 526, cert. denied at 336 Conn. 926 and 336 Conn. 927 (2021). ". . . [T]he Guidelines [US Department of the Interior, Bureau of Indian Affairs, "Guidelines for Implementing the Indian Child Welfare Act,"] are not mandatory or binding. The Guidelines state in relevant part: 'While not imposing binding requirements, these guidelines provide a reference and resource for all parties involved in child custody proceedings involving Indian children. These guidelines explain the statute and regulations and also provide examples of best practices for the implementation of the statute, with the goal of encouraging greater uniformity in the application of ICWA. These guidelines replace the 1979 and 2015 versions of the [Department of the Interior's] guidelines.' Guidelines, *supra*, p. 4. Therefore, although instructive, these guidelines are not mandatory and do not expand the notice requirements set forth in ICWA, but, rather, simply guide practitioners on how best to comply with those requirements. Thus, although the notices sent by the department in this case did not contain all of the information recommended in the guidelines, the omission of that information did not render the notice to the tribe deficient under 25 U.S.C. § 1912 (a)."

**Treatises:**

- 3 *Handling Child Custody, Abuse and Adoption Cases*, 3rd ed., by Ann M. Haralambie, Thomson West, 2009, with 2025 supplement.  
    Chapter 15. Indian Child Welfare Act  
    § 15:11. Termination of Parental Rights
- *Restatement of the Law: The Law of American Indians*, The American Law Institute Publishers, 2022 (Also available on Westlaw).  
    § 45. Termination of the Rights of an Indian Parent