

Study of the Restoration of Parental Rights 2012 General Assembly Session Introduced Legislation

In the 2012 General Assembly Session, legislation was introduced in both the House and Senate to add a section to the *Code of Virginia* (16.1-283.2) relating to restoration of parental rights.

There were three related bills (HB 450, Toscano, SB 218, Barker, and SB 555, Favola), all of which would:

Create a procedure for restoring the parental rights to a child's parent whose rights as to that child had previously been terminated, provided certain conditions exist.

and had a provision that:

The court shall enter an order restoring the parental rights of the child's parent if it finds by clear and convincing evidence that (i) the child has not achieved or sustained his permanency goal and is not likely to achieve his permanency goal within the next six months from the date of the hearing and (ii) the restoration of parental rights is in the child's best interest.

The House and Senate bills differed in two areas:

Bill	HB 450	SB 218/SB 555
HB 450	<i>The petition to restore a parent's rights may be filed by the local board of social services <u>or the child's guardian ad litem.</u></i>	<i>The petition to restore a parent's rights may be filed by the local board of social services <u>or the child's guardian ad litem jointly with the child's parent.</u></i>
SB 218/ SB 555	<i><u>Both the child and the parent</u> whose rights are to be reinstated consent to the restoration.</i>	<i><u>The child</u> consents to the restoration of the parental rights.</i>

Each of the three bills was continued to 2013 by their respective Courts of Justice committee. Committee members determined that further study would be appropriate and requested the Commission on Youth to study the provisions set forth in the legislation prior to the 2013 General Assembly Session.