



Can I Ever Go Home Again if My Parent's Rights Were Taken Away?

Can I go back to my parent?

In 2013, the Minnesota Legislature passed the Family Reunification Act. This law lets a judge reestablish (give back) parental rights that were terminated (taken away) in a Juvenile Court proceeding.

This can only happen in limited situations. This fact sheet describes re-establishment and things you need to know if you want to go back home to your parent.

What does “reestablishment of the legal parent and child relationship” mean?

If the Court orders re-establishment it means that:

1. You are once again legally the child of the parent whose rights were taken away.
2. The parent whose rights were taken away is your legal parent again. All rights and obligations of being a parent are given back.
3. The parent has permanent legal and physical custody of you.



An order reestablishing a legal parent and child relationship is only for the parent or parents named on the petition.

Can I ask to have my parent/child rights back for my parent?

Not on your own. Only the county attorney or a parent whose parental rights were terminated can ask the court for re-establishment. The county attorney can't ask for this unless the county child protection agency agrees that reestablishment is in your best interest. Then a petition can be filed in court. A petition is the way you ask the court to do something. Sometimes you can ask the county attorney to file a petition for you. See the last section of this fact sheet for more information.

Who has a right to take part in the court hearing?

- You, the child
- The county
- The parent whose rights would be given back
- Your guardian ad litem (this is a support person for a minor)
- Your tribe, if the Indian Child Welfare Act applies to you (this Act applies if the minor is an “Indian Child”)

You have the right to have your lawyer represent you at the hearing.

In what case does the court give back parental rights?

The court may order “reestablishment of the legal parent and child relationship” only if it finds by clear and convincing evidence that:

1. reestablishment is in your best interest as the child
2. you have not been adopted by someone else
3. you are not in a written adoption placement agreement as a person being adopted.
4. it has been at least 48 months since a final order terminating parental rights (TPR)
5. you are still in foster care
6. you want to live with the parent
7. the parent has fixed the problems that led to the termination of their parental rights and
8. the parent is willing and able to care for you



Are there times the county attorney CAN'T file a petition to reestablish parental rights?

Yes. The county attorney can't file a petition if:

1. Your parent's rights were terminated “based on a finding of sexual abuse or other conduct that resulted in the death of a minor” or
2. Your parent has been convicted of any crime listed in [Minn. Stat. §260C.007, subdivision 14](#). This is a list of crimes of “egregious harm” to a child.

What if I want to reestablish the legal parent-child relationship but the county attorney has not filed a petition?

When a child is still in foster care after a termination of parental rights, the court holds periodic hearings to review the child's well-being.



If the 8 things listed above are true, you or your parents can contact the social worker or county attorney to ask them to file a re-establishment petition.

You or your parents can also contact the guardian ad litem. Let the guardian ad litem know that your parent can now safely care for you and that the 2 of you want to be back together.

If you had a lawyer representing you in Juvenile Court, you should contact that lawyer. Let the lawyer know about how things have changed and ask the lawyer to advocate for re-establishment.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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