

Wisconsin Legislative Council Special Committee

Adoption and Termination of Parental Rights Law

August 24, 2004

Recommendations for future discussions regarding TPR and adoption law changes:

1. Birth father registry
2. Jailed or incarcerated birth father (s)
3. Adoption education in DPI curriculum
4. Prospective adoptive families and out-of-state agencies advertising in Wisconsin
5. Safe Haven Bill – improvements to close loop holes
 - a. Notification to alleged/presumed birth father (s)
 - b. Notification to Indian Tribe
 - c. Many counties are not willing to move forward on TPR due to loop holes in law –
6. Post adoption resources

Termination of parental rights (voluntary)

Birthparent considers an adoptive placement

1. May seek birthparent counseling through a child placing agency

2. May desire a relative placement

3. May decide upon an agency adoption.

4. May wish to place the child independently/private adoption.

5. May seek out legal counsel.

6. May receive assistance from a county department of social services.

Birth of Child

1. Birthparent has all parental rights just as in any birth situation.

2. Birthparent may consent to voluntarily place the child in foster care or may retain the custody of the child.

3. Parent may visit the child while child is in foster care.

4. Parent may remove the voluntary consent at any time and regain custody of the child.

5. Parent may delay, postpone, or cancel these adoption proceedings at any time.

6. Birthparent counseling now focuses on emotional areas of the birthmother and works with the attorney to prepare the required work for the termination of parental rights.

Termination Hearing

1. Is scheduled in the county where the child is residing.

2. Birth mother and father need to terminate their respective parental rights.

3. All rights of the birthparent are reviewed.

4. The decision is reviewed and testimony is given by the birth parents regarding their decision.

5. The birthparent is given a final opportunity to change her mind or to delay the proceedings.

6. After all testimony is taken, the judge has the birthmother sign the termination papers.

7. May change her decision.

7. Length of time between birth and hearing varies according to the specific situation.

7. The judge makes his findings and orders the termination if the court finds the Termination appropriate.

*8. Guardianship is transferred to a licensed child placing agency. CHILD IS PLACED WITH ADOPTIVE HOME.