

1        **AN ACT to amend** 48.415 (6) (a) and (b) of the statutes of the statutes; **relating to:**  
 2                involuntary termination of parental rights based upon failure to assume parental  
 3                responsibility.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the joint legislative council’s special committee on adoption and termination of parental rights (TPR) law.

This bill draft modifies the ground for involuntary TPR that requires a showing of failure to assume parental responsibility.

4        **SECTION 1.** 48.415 (6) (a) of the statutes is amended to read:

5        **SECTION 2.** 48.415 (6) (a) and (b) of the statutes are amended to read:

6                48.415 (6) (a) Failure to assume parental responsibility, which shall be established by  
 7                proving that the parent or the person or persons who may be the parent of the child have ~~never~~  
 8                not had a substantial parental relationship with the child.

9                48.415 (6) (b) In this subsection, “substantial parental relationship” means the  
 10                acceptance and exercise of significant responsibility for the daily supervision, education,  
 11                protection and care of the child. In evaluating whether the person has had a substantial  
 12                parental relationship with the child, the court may consider such factors, including, but not  
 13                limited to, whether the person has ~~ever~~ expressed concern for or interest in the support, care  
 14                or well-being of the child, whether the person has neglected or refused to provide care or  
 15                support for the child and whether, with respect to a person who is or may be the father of the  
 16                child, the person has ~~ever~~ expressed concern for or interest in the support, care or well-being  
 17                of the mother during her pregnancy.

**NOTE:** Under current law, in order to involuntarily terminate a person's parental rights on the ground that the person failed to assume parental responsibility, the state must prove that the person has never had a substantial parental relationship with the child.

The bill draft modifies this ground to provide that the state must show that the person has not had a substantial parental relationship with the child.

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(END)