

Date: December 14, 2004

To: Representative Suzanne Jeskewitz
Chairperson, Special Committee on Adoption and TPR Law

From: Joseph Ehmann,
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Subject: Statistics Regarding TPR Jury Trials and Court Trials in TPR Cases

This committee has been asked to consider introducing legislation to eliminate the right for parents in Wisconsin to have juries decide their cases when the government seeks to terminate the family or parental relationship with their children. The underlying rationale is the proposition that eliminating the juries will streamline the TPR process and therefore expedite adoptions.

The State Public Defender provided representation in 828 involuntary TPR cases in FY 2003. Two counties, Milwaukee and Shawano, terminate parental rights at a rate far greater (100.5 and 102 per 100,000 population respectively) than any other county in Wisconsin (33.4% higher than the next county on the list, Oneida at 76.9; 182% higher than the state average of 35.6; and 2,894% higher than the county at the other extreme, Ozaukee at 3.5).¹ Milwaukee County's high termination rate, large population and lengthy case durations skew the numbers for the entire state. Consequently, to get an accurate picture it is useful to look at the numbers statewide both with and without Milwaukee in the mix. Those numbers, as derived from the SPD's billing and case closing records are as follows:

	<u>Statewide w/o Milwaukee</u>	<u>Statewide with Milwaukee</u>
Average non-jury TPR resolution:	122 days	145 days
Average contested court trial TPR resolution:	149.4 days	266.5 days
Average jury TPR resolution:	167.6 days	234 days

Aside from the jury issue, this committee has received written testimony stating "The majority of parents who contest TPR proceedings at the trial court level also exercise their right to file a Notice of Intent to appeal the termination of their parental rights." Of the 828 involuntary TPR cases noted above, Notice of Intent to Appeal was filed in 94 cases. This indicates an appeal rate less than a majority (11.4% to be precise) in Public Defender cases.

¹ TPR rate derived from the DOA's county population numbers and the courts' 2003 yearend caseload statistics which include both voluntary and involuntary terminations.