

1 **AN ACT** to amend 48.415 (2) (a) 3. of the statutes; **relating to:** involuntary
2 termination of parental rights ground of continuing need of protection and services.

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 law.

The bill draft modifies the ground for involuntary termination of parental rights (TPR) that requires a showing that the child is in continuing need of protection or services (CHIPS).

3 **SECTION 1.** 48.415 (2) (a) 3. of the statutes is amended to read:

4 48.415 (2) (a) 3. That the child has been outside the home for a cumulative total period
5 of 6 months or longer pursuant to such orders not including time spent outside the home as
6 an unborn child; and that the parent has failed to meet the conditions established for the safe
7 return of the child to the home and there is a substantial likelihood that the parent will not meet
8 these conditions within the ~~12-month~~ 9-month period following the fact-finding hearing
9 under s. 48.424.

NOTE: Under current law, parental rights may be involuntarily terminated if it can be proved that: (1) the child has been adjudged CHIPS and placed outside of his or her home by a court; (2) the agency that is responsible for the care of the child and the family has made a reasonable effort to provide the services ordered by the court; and (3) the child has been outside the home for a cumulative period of 6 months or longer pursuant to court orders and the parent has failed to meet the conditions established for the safe return of the child to the home and there is substantial likelihood that the parent will not meet these conditions within the 12-month period following the TPR fact-finding hearing.

The bill draft requires proof that there is a substantial likelihood that the parent will not meet the conditions for the child's safe return in the

9-month, instead of 12-month, period following the TPR fact-finding hearing.

COMMENT: Mark Mitchell, Manager, Child Welfare and Family Violence Programs Section, department of health and family services (DHFS), has indicated that DHFS would support a 9-month look-ahead period for a parent because DHFS believes that is a reasonable amount of time for receiving services. Also, a 9-month period following 6 months of out-of-home placement would, for the most part, be the point at which a TPR petition must be filed under the federal adoption and safe families act.