

1 **AN ACT** *to amend* 48.415 (2) (a) 2. b. of the statutes; **relating to:** involuntary
2 termination of parental rights on the grounds of continuing need of protection or
3 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 (TPR) law.

The bill draft modifies the ground for involuntary TPR that requires a showing that the child is in continuing need of protection or services (CHIPS). Under current law, one of the elements of the ground that must be proven is that the agency responsible for the care of the child and the family of the unborn child and expectant mother has made a reasonable effort to provide the services ordered by the court. Under the bill draft, proof that the agency made a reasonable effort to provide the services ordered by the court to the parent while the parent was confined in prison is not required.

4 **SECTION 1.** 48.415 (2) (a) 2. b. of the statutes is amended to read:
5 48.415 (2) (a) 2. b. That the agency responsible for the care of the child and the family
6 or of the unborn child and expectant mother has made a reasonable effort to provide the
7 services ordered by the court except that proof of a reasonable effort to provide court–ordered
8 services to the parent while the parent was confined in prison is not required [if, under the
9 parent’s term of confinement, the parent will not be released from confinement within 10 years
10 following the fact–finding hearing under s. 48.424 or before the child attains 18 years of age,
11 whichever is earlier].

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 does not require proof that a reasonable effort was made to provide court-ordered services to the parent who is the subject of the TPR petition while the parent was confined in prison.

COMMENT: Under the bracketed language, the exemption from making a reasonable effort to provide services to a parent while confined in prison would apply only if the parent is serving a term of confinement under which he or she will not be released in the 10 years following the TPR fact-finding hearing or before the child attains 18 years of age, whichever is earlier.