

1        **AN ACT** *to amend* 48.415 (2) (a) 3. of the statutes; **relating to:** involuntary  
 2            termination of parental rights when child is in 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 Permanency for Young Children in the Child Welfare System.

**Background**

Under current law, in order to terminate a person’s parental rights, a court or a jury must find that one or more statutory grounds exist. One of the grounds under which an involuntary termination of parental rights (TPR) may be filed is if a child is in continuing need of protection or services. This ground may be established by proving all of the following elements:

- The child has been adjudicated in need of protection or services (CHIPS) and continues to be placed outside the home under the CHIPS order.
- The responsible social services agency has made reasonable efforts to provide the services ordered by the court.
- The child has been placed outside the home for a cumulative total period of 6 months or longer pursuant to the CHIPS order.
- The parent has failed to meet the conditions established for the safe return of the child to the home.
- There is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child to the home within the next 9 months after the TPR fact–finding hearing.

**Bill Draft**

This draft deletes the requirement of showing that the parent is substantially likely to continue to fail for the next 9 months to meet the conditions for the safe return of the child to the home.

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

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

**NOTE:** This SECTION revises the continuing CHIPS ground for involuntary TPR to eliminate the requirement to show that a parent is substantially likely to not meet the conditions for the safe return of the child within the next 9 months following the fact-finding hearing.

8           **SECTION 2. Initial applicability.**

9           (1) The treatment of section 48.415 (2) (a) 3. of the statutes first applies to court orders  
10 required to contain the notice under section 48.356 (2) or 983.356 (2) of the statutes granted  
11 on the effective date of this subsection.

**NOTE:** This SECTION specifies that this revised ground for TPR first applies after a parent has been informed in writing of any grounds for TPR that may be applicable, when a child or juvenile has been removed from the home under a dispositional order or its extension or revision.

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(END)