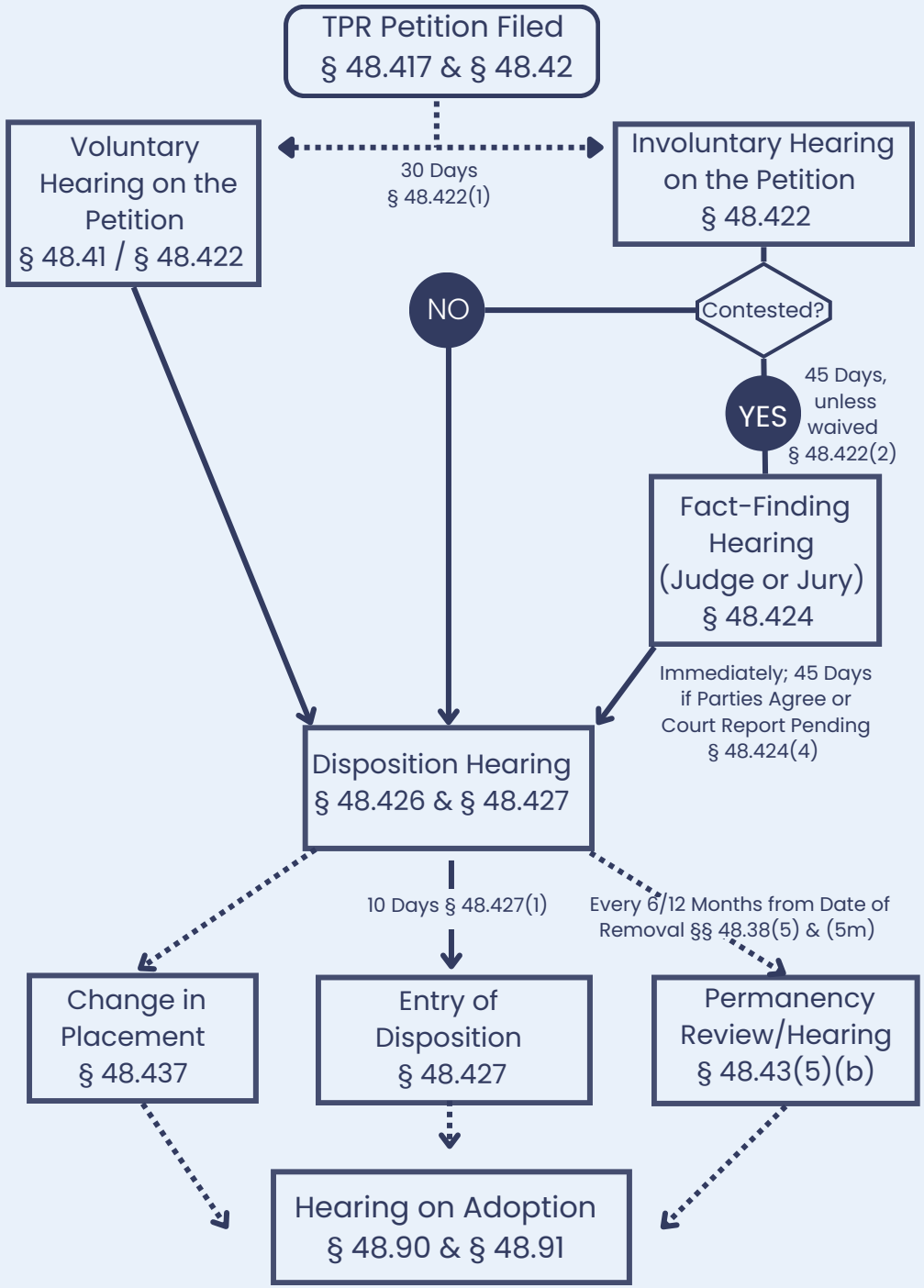
Termination of Parental Rights (TPR) Overview



Bifurcated Process

Grounds

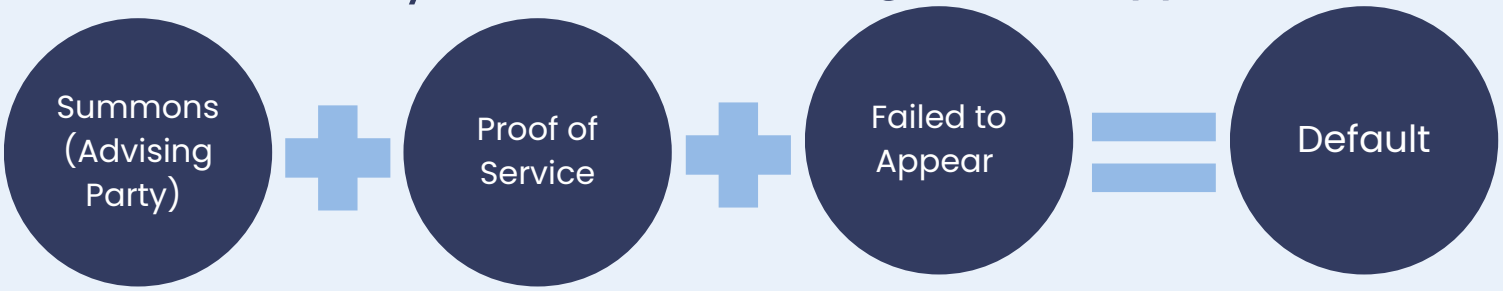
- Voluntary Consent
- Admission/No Contest Plea to Involuntary TPR Grounds
- Default in Involuntary TPR (see next page)
- Fact-Finding Hearing in Involuntary TPR
  - Burden of clear and convincing evidence
    - Beyond a reasonable doubt for WICWA serious damage finding
  - Decision made by judge or jury

Disposition

- Child's Best Interests Governs
- Court Considers Following Factors (§ 48.426):
  - Likelihood of child's adoption after TPR,
  - Age and health of the child (at time of disposition and removal),
  - Whether substantial relationship with parent or other family members and whether harmful to sever relationships,
  - Wishes of the child,
  - Duration of the separation of the parent from the child, and
  - Whether child will enter into a more stable and permanent family relationship.

Types of Default

1 Failure to obey a summons – § 806.02(1)



2 Failure to obey a court order – § 805.03



3 Failure to appear at trial – § 806.02(5)



When a parent is found in default during the grounds phase of a TPR case, the court must proceed to an evidentiary hearing where testimony is needed to prove whether grounds exist. If grounds are found, the case will move immediately to the dispositional phase, unless the parties agree to an adjournment or a court report still needs to be filed. If the dispositional hearing is held at a later date, the parent is entitled to notice and participation in the hearing. A parent's right to counsel and the procedures for discharging an attorney based on the parent's conduct can be found in § 48.23(2).