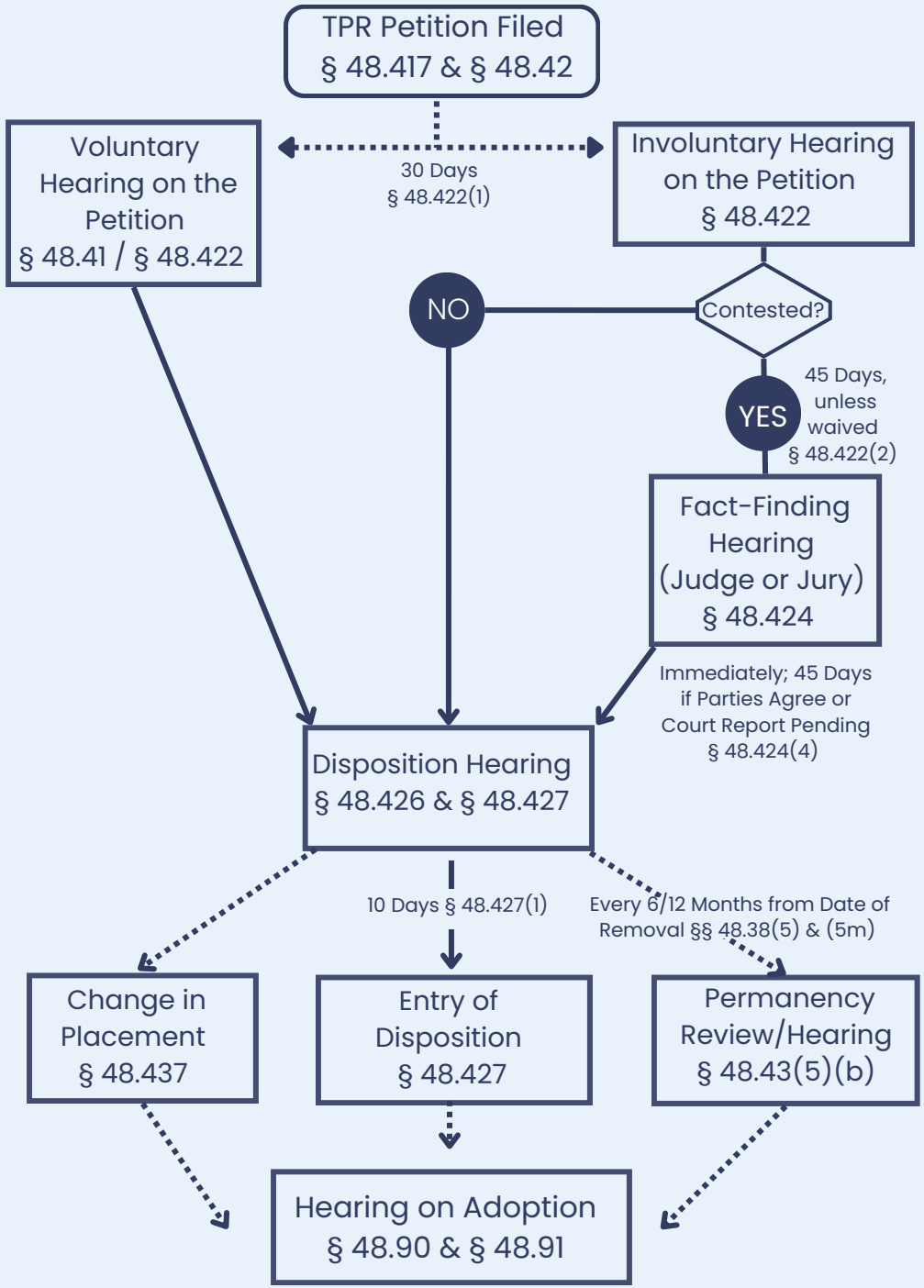
Termination of Parental Rights (TPR) Overview



Bifurcated Process

Grounds

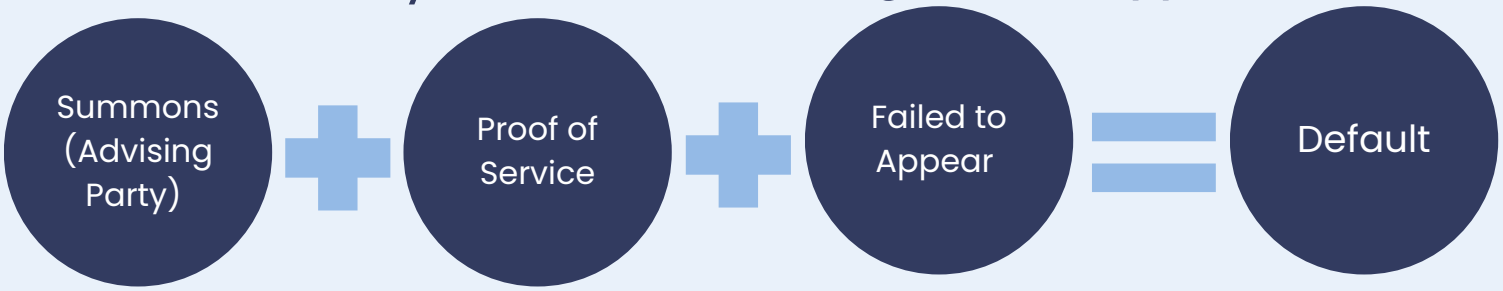
- Voluntary Consent
- Admission/No Contest Plea to Involuntary TPR Grounds
- Default in Involuntary TPR (see next page)
- Fact-Finding Hearing in Involuntary TPR
  - Burden of clear and convincing evidence
    - Beyond a reasonable doubt for WICWA serious damage finding
  - Decision made by judge or 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 conduct an evidentiary hearing where testimony is needed to prove whether grounds exist. If grounds are found, the case will move to the dispositional phase. If the dispositional hearing is held at a later date, the parent is entitled to notice and to participate in the hearing. The court must wait at least two days before holding the dispositional hearing after: (1) finding the parent in default for failing to appear as ordered by the court, or (2) discharging the parent's attorney based on the parent's non-appearance under § 48.23(2)(b)3. See *State of Wisconsin v. R.A.M*, 2024 WI 26.