JUDICIAL CHECKLIST – TPR DISPOSITIONAL HEARING

This checklist is designed to highlight key questions that the court should ask at a Dispositional Hearing in a Termination of Parental Rights (TPR) case. It is not necessarily an exhaustive list and may need to be modified based on the specific circumstances of the case.

- ❑ Determine whether all necessary parties have been given proper notice (unless notice waived or not required):
  - Mother
  - Father
  - Alleged Fathers
  - Any declaration of paternal interests on file?
  - Indian Tribe

- ❑ Determine whether provisions of the Wisconsin Indian Child Welfare Act apply. If they do, use the WICWA Judicial Checklist.

- ❑ Default all properly noticed non-appearing parties and hear evidence in support of TPR grounds, if not done previously.

- ❑ Has a TPR court report been filed with the court? Have all the parties received a copy?

- ❑ Determine if it is in the best interests of the child that the rights of the parent(s) be terminated. Hear testimony on the following factors (any party may present relevant testimony):

  1. The likelihood of the child's adoption after termination.
  2. The age and health of the child, both at the time of the disposition and, if applicable, at the time the child was removed from the home.
  3. Whether the child has a substantial relationship with the parent or other family members, and whether it would be harmful to the child to sever these relationships.
  4. The wishes of the child.
  5. The duration of the separation of the parent from the child.
  6. Whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placements and the results of prior placements.

- ❑ What is the recommendation of the GAL?

- ❑ Are there any caregivers who wish to be heard?

FINDINGS AND ORDERS

- ❑ If you believe that it is in the best interests of the child to terminate, make the following findings and orders:
  - Make specific findings of fact as to why it is, discussing all six of the factors listed above.
  - The parental rights of [state name(s)] are terminated.
  - Guardianship and custody of the child are transferred [to agency] pending adoption.
  - Inform birth parent(s) of medical/genetic information and child's right to search. (See Notice of Medical Information and Birth/Adoptive Parent Identifying Information Disclosure, JC-1631.)

- ❑ If you believe it is not in the best interests of the child to terminate, dismiss the petition.

  However, if any underlying CHIPS order would have otherwise expired but for the filing of the TPR petition (see s. 48.368) and you believe an extension of the order is necessary to protect the child, stay order of dismissal pending the filing of CHIPS extension petition under s. 48.365.

- ❑ Provide the parents with:
  1. Written notification that the parent must sign and file the Notice of Intent to Pursue Postdisposition Relief (CA-100) within 30-days after entry of the order terminating parental rights. Ask parent to sign the Notice of Right to Seek Postdisposition Relief (JC-1644).
  2. Information on access to medical information and birth parent's identifying information. Use JC-1631.

- ❑ If applicable, set review date and/or date for Permanency Hearing.