TPR READINESS CHECKLIST

This checklist is designed to assist caseworkers and the Corporation Counsel's/District Attorney's office in the Termination of Parental Rights (TPR) referral process. When meeting with the attorney, the caseworker should come prepared to discuss the information included in this checklist. It would also be helpful to bring a copy of the Dispositional Order and any subsequent revision orders.

TPR should only be pursued when it has been determined that adoption is in the child's best interest, after thorough exploration and attempts to place the child with relatives and/or siblings have been exhausted, when there has been extensive effort to engage authentically with biological parents and provide meaningful services and assistance, and when a permanent placement has been identified for the child. In these situations, county and legal partners should be working together to complete the TPR process in a timely manner.

CASE HISTORY

1. Family Considerations:

- ❒ Does the child have any full or half-siblings?
  - ❒ Are the siblings placed together? If no, why?
  - ❒ If yes, will the siblings be ready for TPR at the same time?
- ❒ Have all maternal and paternal relatives and like-kin connections, not just those immediately known, been explored for potential placement throughout the life of the case?
  - ❒ Is additional assistance needed to locate and engage relatives?
  - ❒ Has the search and engagement of relatives been documented in the permanency plan?
- ❒ Has paternity been established?
  - ❒ If no, what steps need to be taken to address this?
  - ❒ Are there any alleged or additional potential fathers?
  - ❒ Will an unknown parent's rights need to be terminated (s. 48.837(4)(e))?
- ❒ How has the father or alleged father(s) been notified and engaged in services and with visitation?
  - ❒ Have efforts been made to engage the father with his child?
  - ❒ Has face-to-face contact occurred a minimum of one time per month between caseworker and father?
  - ❒ Have the requirements for contacts with the child been complied with ongoing standards?
    - If no, what steps were taken by the agency to address this?
- ❒ How has the mother been notified and engaged in services and with visitation?
  - ❒ Have efforts been made to engage the mother with her child?
  - ❒ Has face-to-face contact occurred a minimum of one time per month between caseworker and mother?
  - ❒ Have requirements for contacts with the child been complied with ongoing standards?
    - If no, what steps were taken by the agency to address this?

2. Dispositional order:

- ❒ When was the dispositional order entered?
- ❒ Have there been any revisions?
  - ❒ If yes, include the dates of order(s), what changes occurred, and why.
- ❒ Is there a reliable and current address for each parent for service?
  - ❒ If no, is there any information known about the parents' employment or whereabouts that would assist with providing service?

TPR GROUNDS

3. Continuing need of protection or services:

- ❒ What is each parent's success in meeting or remaining barriers with each condition of return?
  - ❒ Please bring each of the Conditions of Return to the meeting to discuss.
- ❒ What reasonable efforts have been made by the agency to provide services ordered by the court?
- ❒ Explain what service referrals were completed to address the conditions for both parents.
  - ❒ If referrals were not made, include reasons why. How often do you communicate, or have you communicated with each parent?
  - ❒ How do you primarily communicate (phone, text, in person, email, letter, etc.)?
  - ❒ Are attempted contacts documented in the case file?
- ❒ How often is/has visitation been offered for each parent?
  - ❒ Are there any barriers which impede either parents' ability to attend visitation?
    - ❒ If yes, what accommodations or alternative arrangements have been made?
  - ❒ What strengths does each parent exhibit in interacting with the child during visits?
  - ❒ What concerns have you noted regarding each parent's interactions with the child during visits?
  - ❒ What visit expectations have been documented in the Family Interaction Plan (FIP) now and throughout the case?
  - ❒ How have expectations regarding visitation been communicated to each parent? Did the parent receive the Family Interaction Plan in writing?
    - ❒ If no, how have they been informed of visit expectations?
- ❒ How many months has the child been out of home since removal?
  - ❒ How many months has the child been out of home since the Dispositional Hearing?
- ❒ In considering ASFA timelines, when will the child have been out of the home for 15 out of the most recent 22 months?
- ❒ Was the father provided with written TPR warnings and the conditions for return by the court?
  - ❒ If yes, which order(s) were they attached to?
- ❒ Was the mother provided with written TPR warnings and the conditions for return by the court?
  - ❒ If yes, which order(s) were they attached to?

4. Failure to assume parental responsibility:

- ❒ Has the parent ever had a "substantial parental relationship" with the child?
  - ❒ Has the parent ever resided in the same home as the child?
  - ❒ Was the parent ever the primary caregiver for the child?
  - ❒ Was the parent ever involved in medical appointments?
  - ❒ Did the parent communicate with the child's school (if applicable)?
  - ❒ Has the parent paid any child support for the child?
  - ❒ Father: Was the father aware of the child before the CHIPS case began? If yes, was there any barrier to the father's contact with the child before the CHIPS case began?
- ❒ Has the parent had any contact with the child since the CHIPS case began?
- ❒ Was the parent incarcerated during any period(s) of the child's life?

5. **Abandonment:**
   - ❒ What is the exact timeframe(s) during which the parent did not have any contact with the child?
     - ❒ Provide all timeframes where the parent did not have any contact with the child.
   - ❒ Did the parent(s) have or attempt to have any visits or contact with the placement provider during the time period(s) identified?
   - ❒ Did the parent have or attempt to have any contact with the agency during the time period(s) identified?
   - ❒ Was the parent incarcerated at all during the time period(s) identified?
   - ❒ What efforts and by what means did the agency communicate with, or attempt to communicate with, the parent during the time period(s) identified?
     - ❒ Were all attempts documented?

6. **Continuing denial of physical placement or visitation:**
   - ❒ When was visitation suspended by the court?
     - ❒ Was the parent present at the hearing when visitation was suspended?
     - ❒ How and when was the parent notified of the suspension?
   - ❒ Were conditions to reinstate visitation ordered by the court?
     - ❒ Has the parent successfully met the conditions to reinstate visitation? What, if any, barriers have they had in meeting the conditions to reinstate visitation?
     - ❒ Has the court ever changed the order denying visitation?
   - ❒ Was the parent provided with written TPR warnings and the conditions to reinstate visitation?
     - ❒ If yes, which order(s) were they attached to?

7. **Disposition and best interest:**
   - ❒ Does the child have any substantial relationships with a parent or other family members?
     - ❒ Would it be harmful to the child to sever those relationships pursuant to Wis. Stat. § 48.426?
   - ❒ Who is/are the adoptive resource(s)?
     - ❒ How long has the child been placed with the pre-adoptive resource(s)?
     - ❒ Are their siblings in the same home (if applicable)? If no, why not?
     - ❒ What, if any, concerns remain about the stability and permanence of this identified adoptive resource?
   - ❒ Will the child be able to enter into a more stable and permanent family relationship?
   - ❒ What was the age and health of the child at the time of removal?
   - ❒ What is the age and health of the child now?
   - ❒ What is the duration of the separation of the parent from the child?
   - ❒ What are the wishes of the child?
   - ❒ Is TPR in the child's best interest?
   - ❒ Does the Guardian ad Litem support a TPR?

8. **Child is subject to the Wisconsin Indian Child Welfare Act:**
   - ❒ Are any parents or alleged fathers a member of a tribe? Is the child a member or eligible for membership?
   - ❒ Has TPR been discussed with the tribe? What is the tribe's position?
   - ❒ Is the child's placement in accordance with WICWA placement preferences?
   - ❒ What active efforts have been provided by the county?
     - ❒ Provide any Statements of Active Efforts (IW-1609) previously filed with the court.
   - ❒ Can the serious damage finding be proven beyond a reasonable doubt?
     - ❒ Has a Qualified Expert Witness (QEW) been identified yet?
   - ❒ Does the case file include documentation that the Tribe was given proper notice of the CHIPS proceeding?

9. Incarcerated parent:

- ❒ During what timeframe(s) was the parent incarcerated? How long is the parent likely to be incarcerated?
- ❒ What were the conditions ordered for the parent in the Dispositional Order (or any subsequent revisions)?
  - ❒ What efforts did the agency make to offer services and accommodations in accordance with these conditions?
  - ❒ Does it include having contact with the child while incarcerated?
- ❒ Did the child have regular visits with the parent while incarcerated?
  - ❒ If no, why not?
- ❒ Was the parent provided with information about how they could contact the child and/or receive information regarding the child while incarcerated?
  - ❒ Did the parent make attempts to contact the child and/or placement? In what institutions (jail/prison) has the parent been incarcerated?
  - ❒ Did the parents' physical location or moves between correctional facilities impact their ability to engage in services required by the Dispositional Order?
  - ❒ Did the parents' physical location or moves between correctional facilities impact their ability to maintain contact with the child, agency, and/or placement provider?
- ❒ How often did the agency make contact with the parent during the period of incarceration?
  - ❒ What plan for communication with the parent was established?
  - ❒ What barriers, if any, did the parent face in maintaining contact with the agency? For example, needing money to make phone calls, write letters, etc.

PREPARING FOR FILING

10. Next steps:

- ❒ Is this case ready for a TPR referral?

  <u>If yes</u>:
  - ❒ Who will draft the TPR petition?
    - When will it be reviewed by the Corporation Counsel/District Attorney's Office?
  - ❒ When does the attorney anticipate filing the petition?
  - ❒ Update the following individuals: parents, child (if age appropriate), proposed adoptive resource, and corresponding adoption worker of the anticipated filing date.
  - ❒ What documents, if required by Corporation Counsel/District Attorney or county practice, need to be prepared by the caseworker?
  - ❒ Obtain guidance from Corporation Counsel/District Attorney on discovery process (e.g., requests for agency records from parents' attorneys) and plan for preparing caseworker for any testimony.

  <u>If no</u>:
  - ❒ What follow up needs to occur and with whom?
  - ❒ What tasks need to be completed and who is responsible?
  - ❒ When will we reconvene to re-determine readiness for TPR?
- ❒ Schedule another meeting with the Corporation Counsel/District Attorney, if needed.
- ❒ Any additional steps that the caseworker or Corporation Counsel/District Attorney have identified?