



1995 SENATE BILL 67

February 14, 1995 - Introduced by Senators ROSENZWEIG, DARLING, FITZGERALD and WEEDEN, cosponsored by Representatives KLUSMAN, KRUSICK, DUFF, DOBYNS, OURADA, HASENOHRL, UNDERHEIM, ZIEGELBAUER, GOETSCH, HAHN, KREIBICH, SILBAUGH, LAZICH and OWENS. Referred to Committee on Judiciary.

1 **AN ACT to amend** 48.356 (1) and (2) and 48.415 (4) of the statutes; **relating to:**
2 termination of parental rights on the grounds of continuing denial of visitation
3 by the juvenile court.

Analysis by the Legislative Reference Bureau

Under current law, continuing denial of periods of physical placement by a court order in an action affecting the family, for example, a divorce, separation or paternity action, is a grounds for involuntary termination of parental rights (TPR). Continuing denial of periods of physical placement may be established by a showing that the parent has been denied periods of physical placement, that is, periods in which the parent has the right to have the child physically placed with the parent and the right and responsibility to make routine daily decisions regarding the child's care, for a period of one year by a court order in an action affecting the family.

This bill expands that TPR ground to include continuing denial of visitation by a court assigned to exercise jurisdiction under the children's code (juvenile court). The bill also requires a juvenile court, when denying a parent visitation, to warn the parent orally and in writing that continuing denial of visitation is a grounds for TPR and of the conditions necessary for the parent to be granted visitation. That warning is currently required when a child is placed outside of his or her home.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 48.356 (1) and (2) of the statutes are amended to read:

1 48.356 (1) Whenever the court orders a child to be placed outside his or her
2 home or denies a parent visitation because the child has been adjudged to be in need
3 of protection or services under s. 48.345, 48.357, 48.363 or 48.365, the court shall
4 orally inform the parent or parents who appear in court of any grounds for
5 termination of parental rights under s. 48.415 which may be applicable and of the
6 conditions necessary for the child to be returned to the home or for the parent to be
7 granted visitation.

8 (2) In addition to the notice required under sub. (1), any written order which
9 places a child outside the home or denies visitation under sub. (1) shall notify the
10 parent or parents of the information specified under sub. (1).

11 **SECTION 2.** 48.415 (4) of the statutes is amended to read:

12 48.415 (4) (title) CONTINUING DENIAL OF PERIODS OF PHYSICAL PLACEMENT OR
13 VISITATION. Continuing denial of periods of physical placement or visitation may be
14 established by a showing ~~that~~ of all of the following:

15 (a) ~~The~~ That the parent has been denied periods of physical placement by court
16 order in an action affecting the family; ~~and~~ or has been denied visitation under an
17 order under s. 48.345, 48.357, 48.363 or 48.365 containing the notice required by s.
18 48.356 (2).

19 (b) ~~At~~ That at least 1 year has elapsed since the order denying periods of
20 physical placement or visitation was issued and the court has not subsequently
21 modified its order so as to permit periods of physical placement or visitation.

22 **SECTION 3. Initial applicability.**

