



## 1997 SENATE BILL 173

April 16, 1997 - Introduced by Senators DARLING, SCHULTZ and ROSENZWEIG, cosponsored by Representatives MUSSER, GARD, PORTER, F. LASEE, SKINDRUD, GUNDERSON, OLSEN and KELSO. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to renumber** 48.415 (2) (a) and 48.415 (2) (c); **to renumber and amend**  
2             48.415 (2) (b); **to amend** 48.415 (2) (intro.); and **to create** 48.415 (2) (am) of the  
3             statutes; **relating to:** termination of parental rights over a child who on 3 or  
4             more separate occasions has been placed outside of his or her home by an order  
5             of the juvenile court.

---

### *Analysis by the Legislative Reference Bureau*

Current law provides that continuing need of protection or services is a ground for involuntary termination of parental rights. Currently, continuing need of protection or services may be established by proving that: 1) the child has been found to be in need of protection or services and placed, or continued in a placement, outside the child's home by the court assigned to exercise jurisdiction under the children's code and the juvenile justice code (juvenile court); 2) the agency responsible for the care of the child and the family has made a diligent effort to provide the services ordered by the juvenile court; and 3) the child has been outside the home for a cumulative total period of 6 months or longer, the parent has failed to demonstrate substantial progress toward meeting the conditions established for the return of the child to the home and there is a substantial likelihood that the parent will not meet those conditions within the next 12 months.

This bill creates an alternative method of establishing continuing need of protection or services. Specifically, the bill provides that continuing need of protection or services may be established by proving that the child has been found

**SENATE BILL 173**

to be in need of protection or services and *on 3 or more separate occasions* has been placed, or continued in a placement, outside the child's home by the juvenile court. If that showing is made, the further showings required under current law to establish continuing need of protection or services, that is, that the agency has made a diligent effort and that the parent has made substantial progress, need not be made.

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:***

1           **SECTION 1.** 48.415 (2) (intro.) of the statutes is amended to read:

2           48.415 (2) CONTINUING NEED OF PROTECTION OR SERVICES. (intro.) Continuing  
3 need of protection or services, which shall be established by proving all any of the  
4 following:

5           **SECTION 2.** 48.415 (2) (a) of the statutes is renumbered 48.415 (2) (a) 1.

6           **SECTION 3.** 48.415 (2) (am) of the statutes is created to read:

7           48.415 (2) (am) That the child has been adjudged to be in need of protection or  
8 services and on 3 or more separate occasions has been placed, or continued in a  
9 placement, outside his or her home pursuant to one or more court orders under s.  
10 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 containing the  
11 notice required by s. 48.356 (2) or 938.356 (2).

12           **SECTION 4.** 48.415 (2) (b) of the statutes is renumbered 48.415 (2) (a) 2., and  
13 48.415 (2) (a) 2. a., as renumbered, is amended to read:

14           48.415 (2) (a) 2. a. In this paragraph subdivision, "diligent effort" means an  
15 earnest and conscientious effort to take good faith steps to provide the services  
16 ordered by the court which takes into consideration the characteristics of the parent  
17 or child, the level of cooperation of the parent and other relevant circumstances of  
18 the case.

