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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Assembly Bill 560**

**Assembly Substitute  
Amendment 1**

### 2019 ASSEMBLY BILL 560

Under current law, one of the grounds for involuntary termination of parental rights (TPR) is that a child is in continuing need of protection or services (“continuing CHIPS”). This ground may be established in two different ways.

2019 Assembly Bill 560 creates an additional circumstance under which the continuing CHIPS ground may be established. Under the bill, the ground may be established by showing that the child has been placed outside of his or her home in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months.

### ASSEMBLY SUBSTITUTE AMENDMENT 1

The substitute amendment instead provides that the additional continuing CHIPS ground may be established by proving all of the following:

- That the child has been adjudged CHIPS and placed, or is continued in placement, outside his or her home pursuant to an order in a CHIPS proceeding.
- That the child has been placed outside of his or her home for 15 of the most recent 22 months.
- That a permanency review panel or court has not, in the 22 months prior to the filing of the TPR petition, made a finding that the agency responsible for the care of the child failed to make reasonable efforts to achieve a permanency goal.
- If the child is an Indian child, that continued custody of the Indian child by the Indian child’s parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child and that active efforts have been made to prevent the breakup of the Indian child’s family and those efforts have proved unsuccessful.

The substitute amendment specifies that this ground cannot be used if a parent filed the CHIPS petition that resulted in the out-of-home placement.

### BILL HISTORY

Representative Snyder introduced 2019 Assembly Bill 560 on October 23, 2019, and offered Assembly Substitute Amendment 1 on December 6, 2019. On December 17, 2019, the Assembly Committee on Family Law recommended adoption of the substitute amendment on a vote of Ayes, 9; Noes, 0; and passage of the bill, as amended, on a vote of Ayes, 7; Noes, 2.

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