



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 256
[2017 Assembly Bill 775]

**Termination of Parental Rights
Based on a Child's Continuing
Need of Protection or Services**

Generally, under state and federal law, a petition to terminate a parent's rights (TPR) must be filed on behalf of a child who has been placed outside of his or her home for 15 of the most recent 22 months, unless certain exceptions apply.

Under state law, if an involuntary TPR petition is filed, the petition must allege, and a court or jury must find, that one or more statutory grounds exist in order to TPR. One of the grounds for involuntary TPR is that a child is in continuing need of protection or services (CHIPS). This ground may be established by proving the following elements by clear and convincing evidence:

- The child has been adjudicated to be in need of protection or services and placed outside the home pursuant to a CHIPS order that provided proper notice of potential grounds for TPR and of conditions for return of the child.
- The responsible agency has made a reasonable effort to provide the services ordered by the court.
- The child has been placed outside the home for a cumulative total period of six months or longer pursuant to the CHIPS order.
- The parent has failed to meet the conditions established for the safe return of the child to the home.
- There is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child within the nine-month period following the fact-finding hearing.

2017 Wisconsin Act 256 eliminates the requirement of showing a substantial likelihood that the parent will not meet the conditions within the nine-month period following the fact-finding hearing. However, under the Act, if the child has been placed outside the home for less

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

than 15 of the last 22 months, the petitioner is required to prove that there is a substantial likelihood that the parent will not meet these conditions as of the date on which the child will have been placed outside the home for 15 of the last 22 months, not including any period during which the child was a runaway from the out-of-home placement or was residing in a trial reunification home.

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