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**Luther S. Olsen**  
State Senator  
14th District

**TO:** Senate Committee on Judiciary and Public Safety  
**FROM:** Senator Luther Olsen  
**DATE:** January 30, 2018  
**SUBJECT:** Testimony in favor of Senate Bill 654

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Thank you Chairman Wanggaard the Senate Committee on Judiciary and Public Safety for holding a hearing and allowing me to testify in favor of Senate Bill 654.

When children in out-of-home care cannot return safely to their homes, they deserve the opportunity to achieve timely permanency through adoption. In order to initiate an adoption proceeding, a Termination of Parental Rights (TPR) order has to be established. Termination of Parental Rights (TPR) proceedings can often be lengthy and create significant delays to adoption.

The Speaker's Task Force on Foster Care task examined ways in which the TPR process can be streamlined and modified to achieve timely permanency for these children. This proposal makes two changes to appellate proceedings related to TPR.

The first change would require that any notice of intent to appeal a TPR decision include the signature of the attorney and the respondent parent. During the task force hearings, judges stated that often times attorneys initiate the appeals process on their own because they feel ethically compelled to do so or for fear they will be accused of ineffective assistance of counsel if they do not. The respondent parent might not have been aware of the appeal, so the system spends time and resources tracking them down only to declare the case abandoned. Although an appeal is not actually started by filing this notice, the fact that it has been filed puts a hold on the adoption until a formal decision whether to file the appeal or not is conveyed to the court. The requirement of a parent's signature will help children who spend time in the legal process in "limbo" and streamline their process to permanency through adoption.

Additionally, this proposal requires that whoever files a motion to remand a case to the lower court for additional fact-finding also file an affidavit stating the specific reasons why the additional fact-finding is necessary. Multiple judges recommended this proposal during the hearings, stating this additional requirement would streamline these cases and unplug the court system. Often times, a case is remanded to the circuit court only to be dismissed because additional fact-finding was unnecessary and there was no reason for the remand.

With the input from the Office of the State Public Defender, different standards were included for parents who represent themselves, including a longer period of time to file the affidavit.

Thank you, members. I ask for your support and would be more than happy to answer any questions.





STATE REPRESENTATIVE  
**STEVE DOYLE**

WISCONSIN STATE ASSEMBLY

94<sup>TH</sup> DISTRICT

**TO:** Chairman Wanggaard, Vice-Chair Testin and Members of the Senate Committee on  
Judiciary and Public Safety

**FROM:** State Representative Steve Doyle

**DATE:** January 30, 2018

**SUBJECT:** Testimony in support of SB 654/AB 778

Thank you for holding a public hearing on Senate Bill 654 and Assembly Bill 778 which make several changes to the appellate proceedings in termination of parental rights (TPR) cases. This bill is part of the Foster Forward Legislative Agenda and came out of the bipartisan Speaker's Task Force on Foster Care which I had the honor of co-chairing with Representative Snyder. I would also like to thank my co-authors Representative Terry Katsma and Senator Luther Olsen for joining me on this bill.

During our tour of the state, the Task Force on Foster Care heard from judges, district attorneys corporation counsel, and other stakeholders on how the TPR process can often be lengthy and create significant delays to adoption. These are children for whom reunification is simply not an option and they need to find permanency in another home. The changes that SB654/AB 778 make occur near the end of the TPR process once a judge has already ruled in favor of terminating parental rights.

The first change would require that any Notice of Intent to appeal a TPR decision include the signature of the attorney and the respondent parent. Judges who testified at our Milwaukee and La Crosse hearings stated that often times attorneys initiate the appeals process on their own because they feel ethically compelled to do so or for fear they will be accused of ineffective assistance of counsel if they do not. After a trial, attorneys are often not in close contact with their client and they feel the need to file the notice of intent before the deadline. The respondent parent might not have been aware of the appeal, so the system spends time and resources tracking them down only to declare the case abandoned. When this notice of intent is filed, the adoption is put on hold until a formal decision is conveyed to the court and the child becomes stuck in a sort of legal limbo.

At the suggestion of the judges, we drafted an amendment that would also require the appellant's signature for the Notice of Appeal and for the Petition for Review. Together these three requirements would help avoid wasting time and money on appeals that the parent may not even want to proceed with or know about. We also included changes at the request of the Office of the State Public Defender to account for parents who represent themselves.

SB 654/AB 778 would also require that whoever files a motion to remand a case to the lower court for additional fact-finding also file an affidavit stating the specific reasons why the additional fact-finding is necessary. Again, we heard this recommendation from judges who believe that this additional requirement would streamline these cases and unclog the court system. Often times, a case is remanded to the circuit court only to be dismissed because additional fact-finding was unnecessary and there was no reason for the remand. As with the Notice of Intent, this remand puts the entire process on hold and prevents children from achieving timely permanency.

We believe that the changes in this bill will help streamline the end of the TPR process by eliminating unnecessary appeals and ensuring that an appeal or remand is truly the wishes of the respondent parent. But most importantly, this bill will help children in the foster care system get to their forever homes sooner and without as much legal back and forth. I hope that you will support SB654/AB 778. I would be happy to answer any questions at this time.