

1 **AN ACT** *to amend* 48.415 (intro.) and 48.415 (6) of the statutes; **relating to:** grounds
2 for involuntary termination of parental rights.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the joint legislative council's special committee on adoption and termination of parental rights law.

The bill draft provides that the grounds for involuntary termination of parental rights (TPR) apply to parents and to persons who may be the parent of the child.

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

4 **48.415 Grounds for involuntary termination of parental rights.** (intro.) In this
5 section, "parent" includes a person or persons who may be the parent of the child. At the
6 fact-finding hearing the court or jury may make a finding that grounds exist for the
7 termination of parental rights. Grounds for termination of parental rights shall be one of the
8 following:

9 **SECTION 2.** 48.415 (6) of the statutes is amended to read:

10 **48.415 (6) FAILURE TO ASSUME PARENTAL RESPONSIBILITY.** (a) Failure to assume parental
11 responsibility, which shall be established by proving that the parent ~~or the person or persons~~
12 ~~who may be the parent of the child have~~ has never had a substantial parental relationship with
13 the child.

14 (b) In this subsection, "substantial parental relationship" means the acceptance and
15 exercise of significant responsibility for the daily supervision, education, protection and care
16 of the child. In evaluating whether the ~~person~~ parent has had a substantial parental relationship

1 with the child, the court may consider such factors, including, but not limited to, whether the
2 ~~person~~ parent has ever expressed concern for or interest in the support, care or well-being of
3 the child, whether the ~~person~~ parent has neglected or refused to provide care or support for the
4 child and whether, with respect to a ~~person~~ parent who is or may be the father of the child, the
5 person has ever expressed concern for or interest in the support, care or well-being of the
6 mother during her pregnancy.

COMMENT: Under current law, certain grounds for involuntary TPR specifically apply to parents and to persons who may be the parent of the child.

The bill draft provides that all of the grounds for involuntary TPR apply to persons who may be the parent of the child.

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(END)