



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2217/1  
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## 2011 BILL

1 AN ACT *to amend* 48.415 (6) (a) and 48.415 (6) (b) of the statutes; **relating to:**  
2 termination of parental rights on the grounds of failure to assume parental  
3 responsibility.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the parental rights of a parent to his or her child may be terminated involuntarily under various grounds including the ground of failure to assume parental responsibility, which is established by proving that the parent has *not* had a substantial parental relationship with the child. Current law defines "substantial parental relationship" as the acceptance and exercise of significant responsibility for the daily supervision, education, protection, and care of a child. This bill requires failure to assume parental responsibility to be established by proving that the parent has *never* had a substantial parental relationship with the child.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 48.415 (6) (a) of the statutes is amended to read:

**BILL****SECTION 1**

1           48.415 (6) (a) Failure to assume parental responsibility, which shall be  
2 established by proving that the parent or the person or persons who may be the  
3 parent of the child have ~~not~~ never had a substantial parental relationship with the  
4 child.

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

6           48.415 (6) (b) In this subsection, “substantial parental relationship” means the  
7 acceptance and exercise of significant responsibility for the daily supervision,  
8 education, protection, and care of the child. In evaluating whether the person has  
9 had a substantial parental relationship with the child, the court may consider such  
10 factors, including, ~~but not limited to~~, whether the person has ever expressed concern  
11 for or interest in the support, care, or well-being of the child, whether the person has  
12 neglected or refused to provide care or support for the child and whether, with respect  
13 to a person who is or may be the father of the child, the person has ever expressed  
14 concern for or interest in the support, care, or well-being of the mother during her  
15 pregnancy.

16           **SECTION 3. Initial applicability.**

17           (1) This act first applies to termination of parental rights proceedings in which  
18 the petition is filed on the effective date of this subsection.

19                                       (END)