WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2017 Wisconsin Act 253 **[2017 Assembly Bill 784]**	**Counsel for Parents in CHIPS Proceedings**

2017 Wisconsin Act 253 repeals a statutory prohibition on appointing counsel for a parent in a child in need of protection or services (CHIPS) proceeding. In addition, the Act creates a pilot program in five counties to provide counsel to parents in CHIPS proceedings.

COUNSEL IN CHIPS PROCEEDING

Under prior statute, a court generally could not appoint counsel for any party, other than the child, in a CHIPS proceeding. In *Joni B. v. State*, the Wisconsin Supreme Court held that this prohibition violated the separation of powers doctrine of the Wisconsin Constitution and the Due Process Clause of the U.S. Constitution. [202 Wis. 2d 1 (1996).]

The Act repeals this prohibition, thus aligning the statutes with case law.

PILOT PROGRAM

The Act requires the State Public Defender (SPD), no later than July 1, 2018, to establish a pilot program in Brown, Outagamie, Racine, Kenosha, and Winnebago counties to provide counsel to nonpetitioning parents in CHIPS proceedings. The pilot program does not apply to a proceeding commenced after June 30, 2021.

Under the Act, the SPD may promulgate rules necessary to implement the pilot program. By January 1, 2021, the Department of Children and Families and the SPD must each submit a report to the Joint Committee on Finance, and to the chief clerk of each house of the Legislature for distribution to the appropriate standing committees, regarding costs and data from implementing the pilot program. The Act appropriates $739,600 in fiscal year 2018-19 to the Public Defender Board for implementation of the pilot program.

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