



2017 ASSEMBLY BILL 775

December 27, 2017 - Introduced by Representatives KITCHENS, DOYLE, SNYDER, KATSMA, NOVAK, RODRIGUEZ, BALLWEG, PRONSCHINSKE, NEYLON, ANDERSON, BERCEAU, BORN, E. BROOKS, R. BROOKS, FELZKOWSKI, HORLACHER, JACQUE, KOLSTE, KRUG, KULP, MURSAU, PETERSEN, PETRYK, RIPP, ROHRKASTE, SHANKLAND, SINICKI, STEINEKE, SUMMERFIELD, SWEARINGEN, TITTL, TRANEL, VANDERMEER, VRUWINK, ZEPNICK and EDMING, cosponsored by Senators DARLING, OLSEN, L. TAYLOR and VINEHOUT. Referred to Committee on Family Law.

1 **AN ACT to amend** 48.415 (2) (a) 3. of the statutes; **relating to:** the showing of
2 a substantial likelihood that a parent will not meet the conditions established
3 for the safe return of the child to the home in a termination of parental rights
4 proceeding.

Analysis by the Legislative Reference Bureau

This bill changes the grounds for an involuntary termination of parental rights (TPR) based on a child's continuing need of protection or services (continuing CHIPS) where a child has been placed outside the home for a cumulative total period of six months or longer.

Under current law an involuntary TPR based on continuing CHIPS may be based on a court's or jury's finding that the child has been placed outside the home for a cumulative total period of six months or longer under the CHIPS order, the parent has failed to meet the conditions established for the safe return of the child to the home, and there is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child to the home within the next nine months after the TPR fact-finding hearing. Also, under current law, a TPR proceeding must be filed for a child who has been placed outside the home under a CHIPS order for 15 of the past 22 months.

This bill removes the requirement of showing that there is a substantial likelihood that the parent will continue to fail for the next nine months to meet the conditions established for the safe return of the child to the home in a continuing CHIPS TPR proceeding. The bill replaces this requirement with a requirement for

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the petitioner to show that, if the child has been placed outside the home under a CHIPS order for less than 15 of the past 22 months, there is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child to the home at the time the child will have been placed outside of the home for 15 of the last 22 months.

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

1 **SECTION 1.** 48.415 (2) (a) 3. of the statutes is amended to read:
2 48.415 **(2)** (a) 3. That the child has been placed outside the home for a
3 cumulative total period of 6 months or longer pursuant to ~~such orders~~ an order listed
4 under subd. 1., not including time spent outside the home as an unborn child; ~~and~~
5 that the parent has failed to meet the conditions established for the safe return of the
6 child to the home ~~and there is a substantial likelihood that the parent will not meet~~
7 ~~these conditions within the 9-month period following the fact-finding hearing under~~
8 ~~s. 48.424; and, if the child has been placed outside the home for less than 15 of the~~
9 most recent 22 months, that there is a substantial likelihood that the parent will not
10 meet these conditions as of the date on which the child will have been placed outside
11 the home for 15 of the most recent 22 months, not including any period during which
12 the child was a runaway from the out-of-home placement or was residing in a trial
13 reunification home.

14 (END)