COLUMBIA COUNTY

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TERMINATION OF PARENTAL RIGHTS

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PLEASE NOTE: This information is provided as a public service and is NOT intended to be legal advice. Persons having questions about the form or the procedure should contact an attorney; Probate staff members cannot give legal advice.

TERMINATION OF PARENTAL RIGHTS means to permanently stop or end all rights, powers, privileges, immunities, duties and obligations (including child support) existing between parent and child. There must be a step parent willing to adopt the child and take on all of the obligations for the child. Parties and child must reside in Columbia County.

FORMS: Complete and bring the **original and at least one (1) copy** for **each** child: One (1) copy will be filed with the Court. One (1) of the copy will be returned to the petitioner for service.

Please read the forms carefully and *fill them out completely*.

- All forms listed on this guideline are available online for the following:
- Forms with prefixes "JC" and "GF" can be located at: http://www.wicourts.gov/forms1/circuit.htm
- Forms with prefixes "CFS" and "DFS" can be located at: https://dcf.wisconsin.gov/forms
- **If the child is subject to the Indian Child Welfare Act (ICWA), please use the appropriate forms for that situation.**

TO COMMENCE A NEW PROCEEDING:

Form Number		Name of Form
	JC-1630	**Petition for Termination of Parental Rights** To initiate a proceeding to terminate the parental rights of parent**. Shall be initiated by the child's parent, an agency, district attorney, or person authorized.** • The petition must contain the names and full address of all the interested parties. • State facts and circumstances which support the petition. • If filing an involuntary petition, the petition must include the statutory reference for the grounds of the TPR.
	GF-150	**Uniform Child Custody Jurisdiction Act Affidavit** – attached to petition To meet the jurisdictional requirements of the Uniform Child Custody Jurisdiction Act. (required with all petitions)
	JC-1633	**Summons (Termination of Parental Rights)** To give notice to parents that a petition to terminate parental rights has been filed and to summons the parents to court for a hearing.
	JC-1636 **OR** **JC-1637**	**Consent to Termination of Parental Rights (Affidavit)** Affidavit by a parent consenting to the termination of their parental rights to a child. **Consent to Termination of Parental Rights (Judicial)** Consent form signed by a parent before a judicial officer, consenting to the termination of his or her parental rights to a child.
	You must provide	**Certified Copy of Adjudication (or Circuit Court Case Number if from Columbia County) (if applicable)**
	GF-131	**Order Appointing Guardian Ad Litem**
	GAL Fee	**$500 required deposit for Guardian ad Litem fees must be paid at the time of filing.**

Hearing: After the documents are filed, a hearing date will be set:

- Under Sec. 48.422 Wis. Stats., TPR hearing shall be held within 30 days of the filing of the petition.

GUARDIAN AD LITEM (GAL) APPOINTMENT:

- A Guardian ad Litem is required by Wisconsin Statutes to be appointed for a child who is the subject of a Termination of Parental Rights proceeding. A GAL will also be appointed for any parent who is a minor or incompetent. The GAL is to investigate and report on the best interest of the child.
- It is the petitioner's responsibility to pay for the guardian ad litem fees. A GAL is an attorney licensed in the State of Wisconsin.
- The GAL is not your attorney. If you have legal questions, contact an attorney.

SERVICE AND FORMS TO BE FILED PRIOR TO COURT HEARING:

- Personal Service – Summons and Petition must be served at least 10 days prior to hearing.
- Petitioner must personally serve the Summons and copy of the TPR petition on the parent(s) to be terminated and file the proof of service to the Court *within 48 hours* prior to the hearing
- Notice of the TPR (by service of Summons & Petition) hearing must be given to the child if 12 years of age.
- It is the petitioner's responsibility to personally serve the terminating parent with the Summons, Petition for TPR, and the following Family Questionnaire at least 7 days prior to the hearing date:

Form Number		Name of Form
	DCF-F - CFS134	**Court Report for Centralized Birth Record [Sec. 48.427(6)(b)] completed by petitioner** (available at www.dcf.wisconsin.gov)
	DCF-F-CFS0142	**Affidavit (to accompany Family History Questionnaire – optional form** for birth parent to sign if voluntary (available at www.dcf.wisconsin.gov)
	DCF-F-CFS149	**Family History Questionnaire – Medical and Genetic Information** completed by each terminating birth parent if voluntary (available at www.dcf.wisconsin.gov)
	DCF-F-CFS149A	**Family History Questionnaire - Pregnancy and Delivery Information** completed by birth mother, if terminating and voluntary (available at www.dcf.wisconsin.gov)
	JC-1631	**Notice of Medical Information and Birth/Adoptive Parent Identifying Information Disclosure** completed by birth mother, if terminating and voluntary

SERVICE BY PUBLICATION (if unable to personally serve):

- Publication (constructive notice) – Pursuant to Sec. 48.42(4)(b) Wis. Stats. A Notice under this section shall be published as a Class 1 notice at least 7 days prior to the hearing. Review Sec. 48.42 Wis. Stats. To acquire proper notice.
- **For confidentiality purposes, use only the child's initials in the publication notice. The following documents are required for publication:**

Form Number		Name of Form
	JC-1635	**Notice and Order of Hearing for publication -** To give notice to parents who cannot otherwise be served that a petition to terminate parental rights has been filed and to summons the parents to court for a hearing. *** If the address of the terminating parent(s) is not know, notice must be published in a newspaper
	JC-1634	**Consent to Use Mother's Name for publication** Authorization by mother to use her name in the notice when publication is required for a termination of parental rights petition. *** If the address of the terminating parent(s) is not know, notice must be published in a newspaper
	Obtain from Newspaper	**Proof of Publication for (publication only)**

COURT HEARING: Order for TPR must be completed prior to the hearing.

Form Number		Name of Form
	JC-1638 OR JC-1639	**Order Concerning Termination of Parental Rights (Voluntary)** **Order Concerning Termination of Parental Rights (Involuntary)** Order formally indicating the court's decision on a petition to terminate the parental rights of a parent.
	JC-1644	**Notice of Right to Seek Post disposition Relief** To provide parent notification of time limits for post disposition relief.
	@ DHFS website	Family History Questionnaires of parent(s) if not previously filed.

NOTES:

- Discontinuation of support payments is NOT a valid ground for filing for TPR petition.
- If the child is 14 years of age or older, they must also appear at the court hearing.
- If documents are missing, the Court **may remove** the matter from the calendar.
- Complete the medical/genetic questionnaires as thoroughly as possible. Add any additional information you feel is important that is not requested. {48.432, 48.425(1)(am), 48.02(12m)}
- Contact an attorney if you have questions.
- **Medical/genetic questionnaire forms:** additional/duplicate Family History Questionnaires can be found at: https://dcf.wisconsin.gov/forms (forms arranged by form number/name/division)
- Other helpful resources: http://wilawlibrary.gov/topics/familylaw/tpr.php
- If the other parent does not let you see your child, you may terminate your parental rights, but there must be a step-parent willing to adopt the child and take on all of the obligations for the child. There are options available in Family Court that you can exercise to enforce or request child support or placement orders.
- If the other parent does not pay child support and does not see the child, you may terminate his/her parental rights, but there must be a step-parent willing to adopt the child and take on all of the obligations for the child. There are options available in Family Court that you can exercise to enforce or request child support or placement orders.

Resources:
Wisconsin Court Website (CCAP) for case search and forms: www.wicourts.gov
Wisconsin Register in Probate Association website: www.wripa.org
Wisconsin State Law Library: www.wilawlibrary.gov