

# Nuts & Bolts of TPRs



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# Two types of TPRs

Wis. Stat. §48.41 – Voluntary TPR

Wis. Stat. §48.415 – Involuntary TPR

Can be filed Privately (step-parent adoption) or Publicly by an attorney representing the interests of the public (children in out of home care)

# Phases of TPRs

## Two phases to TPRs:

- Grounds – does the court have a legal reason to TPR
- Best Interest – is it in the child's best interest to TPR

## Focus at phases:

- Grounds – parent's rights are paramount
- Best Interest – child's rights are paramount

## Grounds

- Voluntary Consent
- Admission/No Contest to Involuntary TPR Grounds
- Default in Involuntary TPR
  - Evidentiary hearing required
- Fact-Finding Hearing in Involuntary TPR
  - Burden of clear and convincing evidence (beyond a reasonable doubt in WICWA cases)
  - Decision made by judge or jury

## Disposition

- Child's Best Interests
- Court considers six factors in s. 48.426

# Voluntary TPR – Wis. Stat. §48.41

- Parent is asking the court to TPR
- Parent is waiving his/her right to contest both phases
- At the request of the parent, unless good cause to the contrary is shown, admit testimony on the record by telephone or live audiovisual means

# Voluntary TPR – Wis. Stat. §48.41

## Alleged father of **non-marital** child:

- Can terminate any parental rights he may have to the child without appearing in court
- Alleged father may provide a written, notarized statement in lieu of appearing in court
- Notarized statement must recite that the alleged father has been informed of, and understands, the effect of an order to terminate parental rights and that he voluntarily disclaims any rights that he may have to the child, including the right to notice of proceedings

# Minimum requirements: Voluntary TPR plea colloquy

Judge can accept parent's consent only after:

- the effects of TPR are explained to parent
- Judge or attorney has questioned the parent
- Court is satisfied that the consent is informed & voluntary

Written plea form is not required; however, it is advisable

**If ICWA applies: consent in writing, before a judge, and certified by the judge**

- **Circuit Court Form IW-1637**

# Involuntary TPR grounds

## Wis. Stat. §48.415

Abandonment – §48.415(1) – 5 types

Relinquishment – §48.415(1m)

Continuing CHIPS – §48.415(2) – 2 types

Continuing Parental Disability - §48.415(3)

Continuing Denial of Periods of Physical Placement/Visitation –  
48.415(4)

Child Abuse - §48.415(5)

Failure to Assume Parental Responsibility - §48.415(6)

Incestuous Parenthood - §48.415(7)

Homicide or Solicitation to Commit Homicide of Parent - §48.415(8)

Parenthood as a Result of Sexual Assault - §48.415(9)

Commission of Felony Against a Child - §48.415(9m)

Prior Involuntary TPR - §48.415(10)

# ABANDONMENT

## Most common examples

Three months: child has been adjudicated CHIPS, placed outside the home of a parent pursuant to a court order which contained the TPR warning, and has failed to visit or communicate with the parent for a period of 3 months or longer

Six months: child has been left by the parent with any person the parent knows or could discover the whereabouts of the child and the parent fails to visit or communicate with the child for a period of six months or longer. NB: No court order or TPR warnings required

# ABANDONMENT: Affirmative defenses

Affirmative defense – “good cause” for failing to visit/communicate for 3/6 months

- Burden is on **PARENT** to prove “good cause” for failing to visit or communicate
- Burden of proof – **preponderance of evidence**
- Jury Instruction outlines sequence of inquiry

# ABANDONMENT Ground

See Odd S.G v. Carolyn S.G., 194 Wis.2d 366, 533 N.W. 2d 794 (1995) regarding the burden shifting to parent to prove “good cause” for failing to visit or communicate

**It is possible to file a TPR petition, pursuant to the 6 month abandonment grounds, for periods of time prior to the biological father’s legal adjudication as the child’s father. See State v. James P. 2005 WI 80, 281 Wis.2d 685.**

# ABANDONMENT Ground

Whether the parent visited or communicated with the child prior to or following the alleged abandonment period is not relevant at the “grounds” phase

Allege as large a time frame as possible – not just 3 months if you have 8 months

Multiple periods of abandonment can be alleged

Abandonment period does not need to immediately precede the filing of TPR petition

# ABANDONMENT Ground

- One verdict form can be submitted for a continuous period of time (eg. January 1, 2018 – August 1, 2018)
- Separate verdict forms should be submitted if you have multiple abandonment periods that are separated by non-abandonment periods (eg. January 1, 2017 – August 1, 2017 and February 1, 2018 – July 1, 2018)

# Continuing CHIPS ground

## 2 Types of Continuing CHIPS

- Typical CHIPS case
- On 3 or more occasions child was found CHIPS and removed from the home

Elements are not the same

# Typical Continuing CHIPS ground

## Element 1

- Child found to be CHIPS pursuant to any CHIPS ground
- Placed/continued to be placed outside the home of a parent pursuant to one or more CHIPS orders for a cumulative total period of six months or longer
- CHIPS orders contain the written TPR warnings required by Wis. Stat. §48.356

# Typical Continuing CHIPS ground

## Element 2:

- Agency has made a “reasonable effort” to provide the services ordered by the court

## Element 3:

- Parent has failed to meet the conditions established for the safe return of the child to the home (as of the date the TPR petition was filed)

# Typical Continuing CHIPS ground

## Element 4 – OLD LAW

- 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 nine month period following the fact finding hearing.

LEGISLATIVE ACTION (17 WI Act 256) Eff.  
4/6/2018

# Typical Continuing CHIPS ground

For TPRs filed after April 6, 2018

- Element 4 is eliminated if:
  - At time of TPR petition filing: child has been placed outside the home for 15 of 22 months
  - At time of TPR fact finding hearing: child has been placed outside the home of the parent for 15 of 22 months

# Typical Continuing CHIPS ground

- A predictive element continues until the 15<sup>th</sup> month of out of home placement.
- If TPR fact finding hearing occurs prior to the 15<sup>th</sup> month, the jury is required to consider:

Whether there is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child to the parent's home within 15 months of the child's out of home placement

# Element 4 – What do we do now?

**Because Continuing CHIPS ground is based on an underlying CHIPS dispositional order, there have been questions about which law applies at TPR if the original dispositional order included warnings under the “old law.”**

**Wisconsin courts have begun addressing:**

***In re K.T. (Dane Co. v. J.R.), 390 Wis.2d 326, 2020 WI App. 5*  
(Decided Nov. 17, 2019 – first unpublished and later published)**

***In re T.L.E.-C. (Eau Claire Co. v. S.E.), 2020 WI App. 39***

# Dane Co. v. J.R.

- Children TPC'd out of home February 24, 2017.
- Original dispo order entered May 23, 2017.
- Law change takes effect April 6, 2018.
- Revision order entered May 3, 2018 to advise parents of new warnings.
- TPR filed November 2018 under new law, six months after revision.
- Father files pre-trial motion seeking ruling on which law applies arguing retroactive application and due process

# Dane Co. v. J.R.

- Trial court rules that new law applies April 2019
- J.R. files interlocutory appeal.
- Appellate court rules November 2019
  - J.R. did not establish any violation of Sec. 990.04 Wis. Stat. Didn't establish when Cont'g CHIPS cause of action accrued.
  - J.R. did not establish improper retroactive application because he did not establish a "vested right." A contingent interest does not create a vested right. J.R. did not establish any connection between the amendment and his inability to parent since that time.
  - Therefore, J.R. has not established a due process violation.

# Eau Claire Co. DHS v. S.E.

- Child removed June 2016
- Original dispo order entered August 17, 2016 with old law warnings
- Regular perm plans with old law warnings
- Amendment occurs April 6, 2018
- Abandonment TPR filed June 2018
- Amended TPR to add Cont'g CHIPS Sept. 2018
- CHIPS PPR Order with new warnings Oct. 2018

# Eau Claire Co. DHS v. S.E.

- Pretrial Motion to clarify which law applies April 2019
- Trial Court rules that new law applies May 2019
- Appellate Court decision issued May 2020

# Eau Claire Co. DHS v. S.E.

- S.E. argues retroactive application, which she asserts violates D/P as to her. (Same as J.R.)
- Also argues that 15 month time period should start as of the date of the first order with the new warnings.

# Eau Claire Co. DHS v. S.E.

- Appellate Court rules
  - Retroactivity argument foreclosed by ruling in J.R.
  - Due Process argument foreclosed by ruling in J.R. because there are “no material factual differences” between cases despite S.E. getting new warnings for the first time only AFTER the TPR is filed/amended. S.E. doesn’t explain why the distinction makes a difference.
  - Ability to make 9-month predictor argument is not a “vested right” protected by D/P.
  - States that this is not a “substantive change” Cf. In the Interest of Jason P.S., (Patricia A.P.), 195 Wis.2d 855 (Ct. App. 1995)

# Eau Claire Co. DHS v. S.E.

- Appellate Court addresses statutory argument about when the 15 months begins
  - Nothing in the language of the amendment prohibits relying on an earlier order.
  - Then conducts an analysis of the grounds for TPR vs. the elements of each ground, holding that parents have a right to notice of the grounds, but not each element of the ground
- Unsurprisingly, Petition for Review pending

# Continuing Denial of Periods of Physical Placement or Visitation ground

## Elements:

- Denied periods of physical placement (family court order) or visitation (CHIPS/JIPS case)
- Written TPR warning must be attached to court order
- At least one year has elapsed
- The court has not modified the order so as to permit periods of physical placement or visitation

It is important for the court to set pre-conditions for visitation - Pre-conditions should be very concrete & specific to the individual circumstances. Ex. Parent shall write letters to the child on a weekly basis for four consecutive weeks and forward the letter to the assigned case worker

# Child Abuse ground

## Child Abuse – 3 elements

- 1<sup>st</sup>: Parent has exhibited a pattern of physically/sexually abusive behavior
- 2<sup>nd</sup>: Behavior is a substantial threat to the health of the child who is subject of TPR petition
- 3<sup>rd</sup> : Either of the following:
  - parent caused death or injury to a child or children resulting in a felony conviction      **OR**
  - a child has been previously removed from the parent's home pursuant to a CHIPS dispositional order after a CHIPS finding under 48.13(3) OR (3m)

# Child Abuse ground

- Felony “conviction” – **appeal as of right must be completed** [see Monroe Co. v. Jennifer V. 200 Wis.2d 678; 548 N.W. 2d 837 (Ct. App. 1996)].
- However, an appeal not related to guilt or innocence is still considered a felony conviction [see Reynaldo F. v. Christal M. 2004 WI App 106, 272 Wis.2d 707] – this was a Commission of a Serious Felony ground but is probably applicable to this ground.

# Failure to Assume Parental Responsibility ground

## Failure to Assume Parental Responsibility – 2 Elements

- 1<sup>st</sup>: You are the parent or you may be the parent
- 2<sup>nd</sup>: You have not had a substantial parental relationship with the child

“Substantial parental relationship” is defined as the acceptance & exercise of significant responsibility for the daily supervision, education, protection and care of the child

# Failure to Assume Parental Responsibility ground

In evaluating whether the parent has had a substantial parental relationship, the fact finder may consider:

- Did the parent express concern for or interest in the support, care or well-being of the child
- Did the parent neglect or refuse to provide care or support for the child
- Did the (alleged) father express concern for or interest in the support, care or well-being of the mother during her pregnancy

# Failure to Assume Parental Responsibility ground

List is not exclusive – fact finder is not limited by the factors enumerated in the statute. Can consider the “totality of circumstances” in a child’s life. Therefore this ground allows for evidence PRIOR to CHIPS case.

There are separate jury instructions for cases in which a parent is incarcerated.

In determining whether a biological father has failed to assume parental responsibility, the fact finder must consider the father’s efforts to assume parental responsibility after he discovers he is the father but before the fact finding hearing. *See, State v. Bobby G., 2007 WI 77, 301 Wis.2d 531*

# Commission of a Serious Felony Against a Child ground

## Serious Felony ground – 3 elements

- 1<sup>st</sup>: A child of the person whose parental rights are sought to be terminated
- 2<sup>nd</sup>: Was the victim of a serious felony committed by the parent
- 3<sup>rd</sup>: Evidenced by a final judgment of conviction

# Prior Involuntary Termination of Parental Rights ground

## Prior Involuntary Termination of Parental Rights – 2 Types

- Child adjudicated CHIPS
- Child born after a TPR petition under this section was filed

# Prior Involuntary Termination of Parental Rights ground

## Child was adjudicated CHIPS:

- Was adjudicated CHIPS pursuant to Wis. Stat. §48.13(2), (3), or (10)
- That, within 3 years prior to the date the child was adjudged to be CHIPS under 48.13(2), (3), or (10), a court has ordered the termination of parental rights with respect to another child of the parent pursuant to one or more grounds for TPR

# Prior Involuntary Termination of Parental Rights ground

The prior TPR ground must be an involuntary TPR ground

It does not matter which involuntary TPR ground formed the basis for the prior TPR. *See, Oneida County Department of Social Services v. Nicole W., 2007 WI 30, 299 Wis.2d 637*

# Prior Involuntary Termination of Parental Rights ground

## Child born after TPR granted under this statute

- That, within 3 years prior to the date of birth of the child who is the subject of the TPR petition, a court has ordered the termination of parental rights with respect to another child of the parent pursuant to Prior Involuntary TPR ground
- This would be the 3<sup>rd</sup> child – 1<sup>st</sup> child Invol TPR, 2<sup>nd</sup> child – TPR granted under Prior Invol TPR ground & now third child born within 3 years of 2<sup>nd</sup> TPR

# Suspension of Visitation and Contact

Wis. Stat. §48.42(1m)

- Can file a petition to suspend visitation and contact with the child at the time TPR petition is filed
- Must allege facts sufficient to show that prohibiting visitation or contact would be in the child's best interest
- Court may issue a temporary ex parte order prohibiting the parent from visiting or communicating with the child if the court believes it is in the child's best interest
- Court hearing is held on the request for an injunction prior to or at the Initial Appearance on the TPR petition
- The order prohibiting visitation in TPR applies to the underlying CHIPS case

# Suspension of Visitation and Contact

Wis. Stat. §48.42(1m)

- Some courts require the suspension of visits to be filed in the CHIPS case – if you don't believe the parent should visit or communicate with the child, file your request in the CHIPS case – not the TPR case
- More common in private TPRs in Dane Co.
- **What does your county require?**

# WHO MUST BE SUMMONED –

Wis. Stat. §48.42(2)

- Mother
- Adjudicated or presumptive father
- Guardian
- Guardian ad Litem for Child
- Legal custodian
- Indian custodian of the child
- Child, if 12 years or older
- Any other person to whom notice is required to be given under Chapter 822 – UCCJA

# WHO MUST BE SUMMONED –

Wis. Stat. §48.42(2)

Alleged father(s), unless waived right to notice:

- Person who filed a declaration of paternal interest
- Person(s) alleged to the court to be the father of the child, or who may, based on the statement of the mother or other information presented, may be the father of the child
- Person who has lived in a familial relationship with the child and who may be the father

Note: Adoption cannot occur unless the parental rights of the parent, whether known or unknown, have been terminated. See s. 48.91(2).

# Manner of Serving Summons & Petition

- Personal Service: at least 7 days prior to the court hearing – if in state
- Service on a person with a disability shall be as set forth in Wis. Stat. §801.11
- Serving a Wisconsin State Prison inmate: Wis. Stat. §302.025
- ICWA cases: In addition to notice requirements above, notice via registered mail to parents and tribe

# Manner of Serving Summons & Petition

## Constructive Notice: Publication

- If with reasonable diligence a party cannot be personally served, service shall be made by publication
- Published in newspaper that is likely to give notice
- Must be published once
- If identity of father is not known, petitioner can request that constructive notice be waived

# Initial Appearance – Wis. Stat. §48.422

- Initial Appearance shall be held within 30 days after TPR petition is filed with the court
- If ICWA – then Initial Appearance shall not occur until at least 10 days after receipt of the notice of the hearing if the tribe is known or until at least 15 days after receipt of the notice by the U.S. Secretary of the Interior
- If ICWA – Indian child's parent, Indian custodian, or tribe may request an additional 20 days to enable the requestor to prepare for the hearing – the court shall grant such request

# Initial Appearance – Wis. Stat. §48.422

## Rights of Party:

- Contest the petition
- Jury trial & Substitution of judge – must be made by the end of the Initial Appearance or be waived
- Continuance to consult with an attorney on the request for Jury Trial or substitution of judge
- If a person appears and claims to be the father of the child, court shall set a date for hearing on the issue of paternity

# Initial Appearance Procedures – Wis. Stat. §48.422

Before accepting admission to TPR petition, the court shall:

- Address the party & determine that the admission is made voluntarily & with understanding of the nature of the acts alleged in the petition & potential dispositions
- Establish whether any threats or promises were made
- Unrepresented parties: alert the party to the possibility that a lawyer may discover defenses or mitigating circumstances which would not be apparent to them
- Make such inquiries as satisfactorily establish that there is a factual basis for the admission

# Initial Appearance Procedures – Wis. Stat. §48.422

If the petition is not contested, the court shall:

- Hear testimony in support of the allegations in the petition
- Address the parties in the same way as when taking an admission

# Acceptance of Admission or No Contest Plea

Plea colloquy by court or counsel must include:

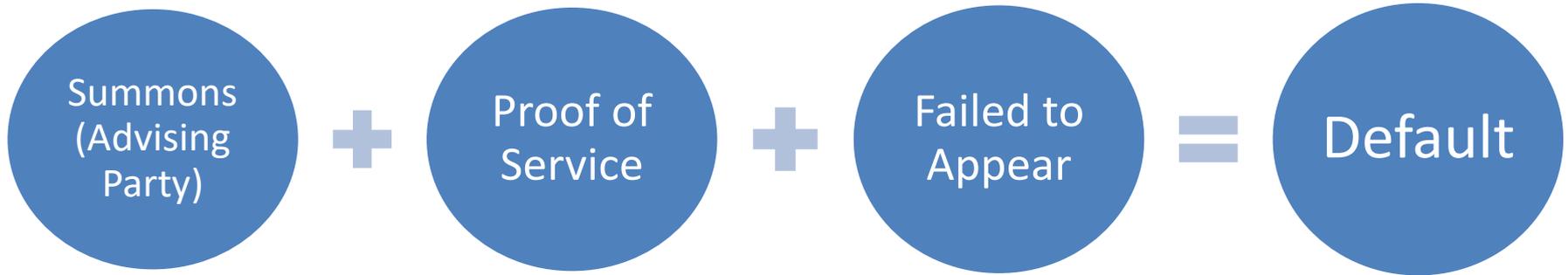
- Competence
- Trial rights (N/C include each element of ground to be proved)
- Alternatives to giving plea – continue to engage in services which could include....
- Consequences of plea and of TPR including that at the time of the dispositional hearing, the court will decide whether to TPR or to dismiss the TPR petition based on what is in the child's best interest See, Oneida County Dept. of Social Services v. Therese S., 2008 WI App 159, 314 Wis.2d 493
- No threats or promises made
- He/she will be found to be an "unfit" parent (N/C only)

# Default Judgment – Involuntary TPR

- Court must conduct evidentiary hearing to establish TPR grounds exist – s. 48.422(3) “Prove up”
- Parent entitled to notice of future hearings, if any
- No default for failing to obey a summons or failing to appear at trial IF attorney appears BUT SEE, Sec. 48.23(2)(b)3. (default allowed where parental conduct is egregious)
- Attorney must be allowed to participate unless discharged after finding parent waived counsel by conduct – s. 48.23(2)

# Types of Default

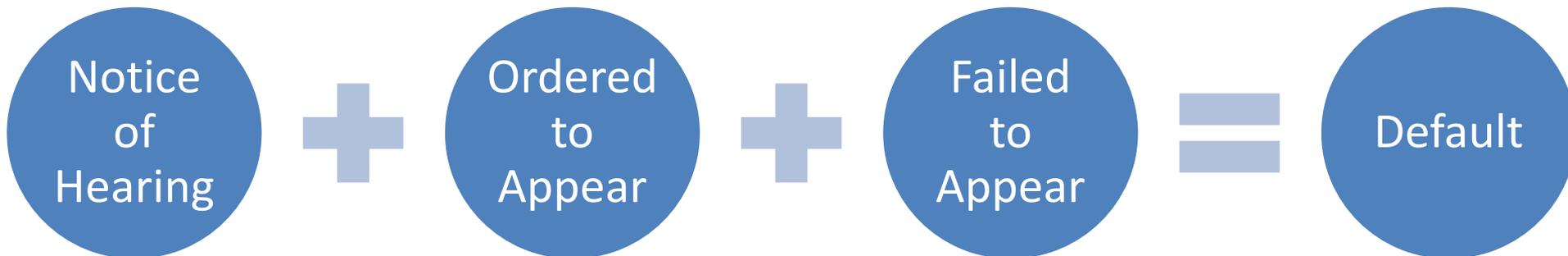
## 1. Failure to obey a summons – s. 806.02(1)



## 2. Failure to obey a court order – s. 805.03



## 3. Failure to appear at trial – s. 806.02(5)



# Fact-Finding Hearing – Wis. Stat. §48.424

If the TPR petition is contested:

- Fact finding hearing shall be set within 45 days of the Initial Appearance
- Court has the ability to toll time limits - §48.315
- Hearing is to determine whether “grounds” exist to TPR
- Jury (10/12) only determines “grounds” – not disposition

# Fact-Finding Hearing – Wis. Stat. §48.424

## Fact-Finding Hearing:

- ICWA: whether the additional requirements under Wis., Stat. §48.42(1)(e) have been proved.
- If “grounds” are found, the court shall find the parent “unfit”
- Burden of Proof: Clear & convincing – exception: ICWA cases

# Disposition Standard & Factors – Wis. Stat. §48.426

Standard: best interest of the child

Factors: 6 must be considered – others may be considered

- Likelihood of the child's adoption after TPR
- Age & health of child – now & at the time of removal
- Whether the child has substantial relationships with parent or family members & whether it would be harmful to the child to sever the relationships

# Disposition Standard & Factors – Wis. Stat. §48.426

## Factors

- Wishes of the child
- Duration of the separation of the parent from the child
- Whether the child will enter into a more stable and permanent family relationship as a result of TPR, taking into account the conditions of the child's current placement, the likelihood of future placements & the results of prior placements

# Disposition Hearing

Any party may present relevant evidence

Expert testimony may be presented

Any party may make alternative dispositional recommendations

After receiving any evidence, the court shall enter one of the dispositions authorized by law within **10 days** of the dispositional hearing

# Disposition – Foster parent's statement

The foster parent/physical custodian has a right to make a statement relevant to the issue of disposition

Statement may be oral or written

Statement may be made at disposition or a written statement may be submitting prior to disposition

# Possible Dispositions

## Court may:

- Dismiss the petition if the court finds that the evidence does not warrant TPR
- Order TPR & transfer custody & guardianship pending adoption to the State/county department authorized to accept guardianship/child welfare agency authorized to accept guardianship or to a kinship relative with whom the child resides or appoint a guardian under Wis. Stat. §48.977
- Order TPR & sustaining care

# Meaningful participation

A parent has a right to meaningfully participate in the court proceedings

Whether physical presence is necessary is required must be determined on a case by case basis

In the Interest of Christopher D. 191 Wis.2d 681, 530 N.W.2d 34 (Ct. App. 1995).

# Meaningful participation

An alternative to physical presence must be the functional equivalent to personal presence – unless the parent waives his/her appearance or the ministerial nature of the proceedings makes the physical presence unnecessary. The parent must be able to assess the witnesses, confer with his/her lawyer and hear everything that is going on.

State v. Lavelle W. 2005 WI App 266, 288 Wis.2d 504

Court found that father could not meaningfully participate by telephone as he claimed that he could not hear the proceedings.

# Meaningful participation

Father was deemed to be able to meaningfully participate in the TPR proceedings although he appeared via webcam from Mexico. He was able to see and hear the proceedings and confer with his attorney.

The father had been deported to Mexico. Options to secure his physical presence were unsuccessful.

Waukesha County Dept. of Health & Human Services v. Teodoro E., 2008 WI App 16, 307 Wis2d 372

# Stipulation by a parent to an element of a TPR ground

Frequently, there is no dispute regarding one or more elements of a Continuing CHIPS ground, such as:

Whether the child has been placed outside the home of a parent pursuant to one or more court orders which contained the written TPR warnings

Or

That the parent, as of the date the TPR petition was filed, had failed to meet the conditions of return.

# Stipulation by a parent to an element of a TPR ground

Have the parent (rather than the attorney alone) confirm the stipulation on the record – verbally & in writing

Courts are urged to engage the parent in a colloquy regarding the effect of the stipulation and to ensure that the stipulation is knowingly and voluntarily given.

Walworth County DH&HS v. Andrea L.O., 2008 WI 46, 309 Wis.2d 161

See also: Manitowoc Human Services Department v. Allen J., 2008 WI App 137, 314 Wis.2d 100

# Parent's criminal history & relevance at trial

A parent's criminal history & sentences may be relevant to the TPR trial – information could assist the jury in determining:

- Whether the parent has had a substantial parental relationship with the child. State v. Quinsanna D., 2002 WI App 318, 259 Wis.2d 429
- The likelihood of the parent meeting the conditions of return in the next 9 months. LaCrosse County Dept. of Human Services v. Tara P., 2002 WI App 84, 252 Wis.2d 179

# Parent's prior criminal history

A parent's prior convictions are not so prejudicial so as to outweigh the probative value to the jury if it assists the jury in understanding the reasons the child was removed from the home

Reynaldo F. v. Christal M., 2004 WI App 106, 272 Wis.2d 816.

# Discovery and Pre-Trial

## Records

- Department records
- Provider records - include places referred but didn't attend or complete
- Police reports
- P&P records
- Child support/benefit history

Consider issues of consent and access. *See e.g., s. 146.82(a)(11m)*

# Discovery and Pre-trial

## Depositions

- 1) of parent by prosecutor – with no predictor in Cont'g CHIPS, Sum J is more useful
- 2) of SW by parent attorney – generally to explore RE in detail.

### Pro-Tips:

Educate yourself on how social services are delivered. SW is not required to answer the question you meant to ask or help you frame a question.

Issue is services “ordered by the court,” not anything you can think of.

Reasonable efforts take into account the response of the parent

- 3) of third party expert or service provider – usually only if unavailable for trial

# Discovery and Pre-Trial

## Experts and Opinion Testimony

Consider whether an expert opinion is actually required. Very few witnesses will offer expert opinion. Exception: psych and AODA evaluators, some treatment providers, some SWs.

Familiarize yourself with the cases – Daubert v. Merrell Dow Pharm., 509 U.S. 869 (1995) and Kumho Tire v. Carmichael, 526 U.S. 137 (1999)

Raise the issue pre-trial – either as motion in limine or prior to FPTC. You don't want to pay your witness to wait while the issue is argued and decided.

Lay opinions remain admissible

# Trial Issues

- Recognize these are very emotional issues and decide in advance how you will manage that with the jury.
- Voir dire is important to identify people with strong emotional reactions – either positive or negative – to the material.
- Consider potential evidentiary objections in advance. Hearsay & foundation esp. regarding records, relevance, speculation are all common.

# Disposition Issues

Always to the court – emotion has less impact, but still important to consider

Be very familiar with the factors set out in Sec. 48.426, especially considering whether it is harmful to sever existing family relationships.

- Note that there is almost always a long-term emotional cost to children in severing parental ties. In and of itself, may not be enough to preclude TPR, but should be actively considered.
- Consider siblings and extended family – those relationships are severed by adoption, not the TPR itself. S. 48.43(2)(a) Siblings are often the most enduring relationships of our lives.
- Consider whether any type of visitation agreement might serve the child's best interest, even if unenforceable.

# In Summary

- TPR is a drastic, though sometimes “necessary” government intervention in a family’s life.
- The INITIAL REMOVAL from the parental home *immediately* starts to create a self-fulfilling prophecy toward TPR because children form attachments to their primary care providers.
- All of the procedures between TPC and TPR are designed to avoid TPR if possible.
- TPR is not a case where anyone wins. Utterly devastating to parents and, even where necessary to protect children, considered a failure by social workers and agencies.