

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Amended

Name

**Dispositional Order - Protection or Services
with Termination of Parental Rights Notice
(Chapter 938)**

Date of Birth

Indian Child Welfare Act

Case No. _____

A Petition was filed with the Court.

This dispositional hearing was held on [Date] _____, which is the effective date of this Order.

THE COURT FINDS:

1. The juvenile is in need of protection or services because the juvenile is
 - uncontrollable.
 - habitually truant from home.
 - habitually truant from school.
 - a school dropout.
 - This is a result of the juvenile's intentional refusal to attend school rather than the failure of any other person.
2. The juvenile is subject to the Indian Child Welfare Act. *(If the juvenile is placed in the home and therefore not subject to the Indian Child Welfare Act, use JD-1746 form instead of this Order.)*
3. The juvenile is placed out-of-home.
 - A. Continued custody of the juvenile by the parent or Indian custodian is is not likely to result in serious emotional or physical damage to the juvenile, based on the testimony of one or more qualified expert witnesses. *(This finding is not required if made at a previous hearing in the case.)*
 - B. Active efforts were were not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family. *(This finding is not required if made at a previous hearing in the case.)* **See attached Statement of Active Efforts (IW-1609)**
 - C. Placement has been made in accordance with the order of preference set forth in the Indian Child Welfare Act.
OR
 There is good cause to depart from the order of placement preference in the Indian Child Welfare Act.

D. Placement in the home at this time is is not contrary to the welfare of the juvenile and the community.

E. Reasonable efforts to prevent removal were *[Complete one of the following]*

made by the department or agency responsible for providing services as follows:

made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the juvenile from the home as follows:

required, but the department or agency responsible for providing services failed to make reasonable efforts.

F. Reasonable efforts to place the juvenile in a placement that enables the sibling group to remain together were

made.

not required because the juvenile does not have siblings in out-of-home care.

not required because it would be contrary to the safety or well being of the juvenile or any of the siblings.

G. Permanency plan was

not filed.

filed and reasonable efforts to achieve the permanency goal of the permanency plan, including through an out-of-state placement if appropriate, were

[Complete one of the following only if a permanency plan has been filed]

made by the department or agency responsible for providing services as follows:

not made by the department or agency responsible for providing services as follows:

H. The mother father was present and was asked to provide the names and other identifying information of three adult relatives of the juvenile or other adult individuals whose home the parent requests the court to consider as placements for the juvenile, unless that information was previously provided.

4. As to the department or agency recommendation:

A. The placement location recommended by the department or agency is adopted.

OR

B. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.

5. Participation in the Teen Court program will likely benefit the juvenile and the community and the juvenile has not successfully completed a Teen Court program in the two years before the date of the violation.

6. The rehabilitation and treatment/care of the juvenile cannot be accomplished by means of voluntary consent of the parent/guardian, and the transfer of legal custody is necessary.

7. Restitution.

A. The juvenile alone is financially able to pay restitution of \$_____ and/or a forfeiture of \$_____.

B. The juvenile is physically able to perform services for the victim [under age 14, 40 hour limit] and the victim agrees to accept such services.

C. The custodial parent is financially able to pay reasonable restitution of \$_____ and/or a forfeiture of \$_____.

8. The Statement of Guardian ad Litem was filed.

9. Other: _____

THE COURT ORDERS:

- 1. The juvenile is placed under court jurisdiction.
- 2. Placement out-of-home at _____ and into the placement and care responsibility of the department in the county where this Order is issued, which has primary responsibility for providing services.

Unless otherwise specified, the expiration date of this Order shall be the later of the following:

- One year from the date of this Order;
- The date the juvenile reaches his or her 18th birthday;
- The date the juvenile is granted a high school or high school equivalency diploma or the date the juvenile reaches his or her 19th birthday, whichever occurs first, if the juvenile is enrolled fulltime in a secondary school or vocational or technical equivalent and reasonably expected to complete the program prior to age 19;
- The date the juvenile is granted a high school or high school equivalency diploma or the date the juvenile reaches his or her 21st birthday, whichever occurs first, if ALL of the following apply:
 - The juvenile is a fulltime student in secondary school or vocational or technical equivalent.
 - An individualized education program is in effect for the juvenile.
 - The juvenile or guardian, on behalf of the juvenile, agrees to this Order.
 - The juvenile is 17 years of age or older when this order is entered.

OR

Expiration date of this Order: _____.

- 3. The juvenile has one or more siblings in out-of-home care and the juvenile is not placed with all those siblings. The department or agency
 - shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the juvenile and any siblings.
 - is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the juvenile or any siblings.

4. The department or agency shall conduct a diligent search in order to locate and provide notice as required by §938.355(2)(cm), Wis. Stats., to all adult relatives of the juvenile, including the three adult relatives provided by the parents under §938.335(6), Wis. Stats., no later than 30 days from the date of the juvenile's removal from the home, unless the search was previously conducted and notice provided.

5. If a permanency plan has been prepared, filed and is consistent with this Order, this Order contains the plan. Otherwise, a permanency plan consistent with the court's Order shall be filed no later than 60 days from the date of the juvenile's removal from the home and shall be made part of this Order.

- 6. Total restitution is \$ _____.
 - \$ _____ [under age 14, \$250 limit] to be paid See restitution supplement
 - Make repairs or provide services agreeable to the victim [under age 14, 40 hour limit]
 - The juvenile is in an out-of-home placement and receiving income; the juvenile shall pay _____% of that income for restitution.

7. Costs of \$ _____ [age 14 and over], to be paid _____.

- 8. Legal custody transferred to
 - County Department of Human/Social Services.
 - Other: _____

9. Conditions of supervision and/or return. See attached

10. The parent(s) shall provide a statement of income, assets, debts, and living expenses, to the county department or agency:

A. The parent(s)/guardian shall contribute toward the expenses of custody/services.

Parent/Guardian 1 [Name] _____.

\$_____ per month commencing on [Date] _____.

to be determined by [Agency] _____.

Parent/Guardian 2 [Name] _____.

\$_____ per month commencing on [Date] _____.

to be determined by [Agency] _____.

B. The parent(s), guardian or trustee shall contribute an amount of child support for the out-of-home placement.

Parent/Guardian 1 [Name] _____.

\$_____ per month commencing on date of placement.

to be set by further court order or referral to the child support agency.

Parent/Guardian 2 [Name] _____.

\$_____ per month commencing on date of placement.

to be set by further court order or referral to the child support agency.

11. Driver's license suspension or revocation for [Period of Time] _____ (Habitual truancy only)

12. Specific services to be provided to juvenile and family. See attached

13. The appointment of the guardian ad litem for the juvenile

terminates until further order of the Court.

is continued to allow the guardian ad litem to perform any of the duties under §48.235(4), Wis. Stats.

is continued for the following purpose(s): _____

14. The appointment of the attorney for the

mother father other: _____ terminates until further order of the Court.

mother father other: _____ is continued through the term of this Order.

mother father other: _____ is continued for the following purpose(s): _____

15. The parent(s) who appeared in court have been orally advised of the applicable grounds for termination of parental rights (TPR) and the conditions that are necessary for the juvenile to be returned to the home or restoration of visitation rights. Notice Concerning Grounds to Terminate Parental Rights is provided below. Conditions for return/visitation are part of this Order or attached.

16. Other: _____

The juvenile was advised of possible sanctions for violations of the conditions of this Order.

NOTICE: If requested by a parent/guardian/legal custodian or the juvenile (14 years of age or over), the agency providing care or services for the juvenile or that has legal custody of the juvenile must disclose to, or make available for inspection, the contents of any records kept or information received by the agency about the juvenile unless the agency determines that imminent danger would result.

NOTICE CONCERNING GROUNDS TO TERMINATE PARENTAL RIGHTS

Your parental rights can be terminated against your will under certain circumstances. A list of potential grounds to terminate your parental rights is given below. Those that are check-marked may be most applicable to you, although you should be aware that if any of the others also exist now or in the future, your parental rights can be taken from you.

Abandonment. Any of the following must be proven by evidence that:

You have left your child without provision for care or support:

and neither parent has been found for 60 days.

- in a place or manner that exposes your child to substantial risk of great bodily harm or death.
- You have failed to visit or communicate with your child for:
 - three months or longer after your child has been placed, or continued in a placement, outside your home by a court order.
 - six months or longer after leaving your child with any person, and you know or could discover the whereabouts of your child.
- A court of competent jurisdiction previously has found that when your child was under one year of age:
 - your child was abandoned, pursuant to §48.13(2), Wis. Stats., or a comparable state or federal law.
 - you intentionally abandoned the child in a place where the child may suffer because of neglect, in violation of §948.20, Wis. Stats., or a comparable state or federal law.
- Continuing Need of Protection or Services.** *As proven by evidence that:*
 - A court placed, or continued in a placement, your child outside your home after a judgment that your child is in need of protection or services under §§48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365, Wis. Stats., and:
 - The agency responsible for the care of your child has made a reasonable effort to provide the services ordered by the Court;
 - Your child has been outside your home for a cumulative total period of six months or longer under a court order; and
 - You have failed to meet the conditions established for the safe return of your child to your home.
 - If your child has been placed outside of your home for less than 15 of the most recent 22 months, there is substantial likelihood you will not meet these conditions as of the date on which the child will have been placed outside the home for 15 of the most recent 22 months. [Not including any period your child was a runaway from the out-of-home placement or was residing in a trial reunification home]
 - A court has adjudicated your child in need of protection or services on three or more occasions, under §48.13(3), (3m), (10) or (10m), Wis. Stats. and:
 - In connection with these adjudications, the court has placed your child outside your home pursuant to a court order containing this notice, and
 - You caused the conditions that led to each of the out-of-home placements.
- Continuing Need of Protection or Services (Unborn child).** *As proven by evidence that:*
 - A court placed you [as an expectant mother], or continued you in a placement, outside your home after a judgment that your unborn child is in need of protection and services under §§48.345 and 48.347, Wis. Stats.
 - The agency responsible for the care of you and your unborn child has made a reasonable effort to provide the services ordered by the court;
 - Your child stayed outside your home for a cumulative total period of six months or longer under a court order; [Not including time spent outside the home as an unborn child]
 - You have failed to meet the conditions established for the safe return of your child to your home; and,
 - There is a substantial likelihood that you will not meet these conditions within the 9-month period following the fact-finding hearing under §48.424, Wis. Stats.
- Failure to Assume Parental Responsibility.** *As proven by evidence that:*
 - You are or may be a parent of a child.
 - You have not had a substantial parental relationship with the child.
- Continuing Parental Disability.** *As proven by evidence that:*
 - You are presently an inpatient at a hospital as defined in §50.33(2)(a),(b) or (c), Wis. Stats., a licensed treatment facility as defined in §51.01(2), Wis. Stats., or state treatment facility as defined in §51.01(15), Wis. Stats., on account of mental illness as defined in §51.01(13)(a) or (b), Wis. Stats., or developmental disability as defined in §55.01(2) or (5), Wis. Stats.
 - You have been an inpatient for at least two of the last five years before a petition to terminate parental rights is filed.
 - Your condition is likely to continue indefinitely.
 - Your child is not being provided with adequate care by a parent, guardian, or relative who has legal custody of your child.
- Continuing Denial of Periods of Physical Placement or Visitation.** *As proven by evidence that:*
 - You have been denied periods of physical placement by a court order in an action affecting the family, or have been denied visitation by an order under §§48.345, 48.363, 48.365, 938.345, 938.363, or 938.365, Wis. Stats.

- At least one year has elapsed since the order denying periods of physical placement or visitation was issued and the court has not subsequently modified its order so as to permit you periods of physical placement or visitation.

Child Abuse. *As proven by evidence that:*

You show a pattern of physically or sexually abusive behavior which is a substantial threat to the health of the child who is the subject of the petition; and that:

- You have caused death or injury to a child or children resulting in a felony conviction.
- A child has previously been removed from your home by the court under §48.345, Wis. Stats., after an adjudication that the child is in need of protection or services under §48.13(3) or (3m), Wis. Stats.

Relinquishment. *As proven by evidence that:*

A court of competent jurisdiction has found pursuant to §48.13(2m), Wis. Stats., that you have relinquished custody of your child under §48.195(1), Wis. Stats., when the child was 72 hours old or younger.

Incestuous Parenthood. *As proven by evidence that:*

You are related, either by blood or adoption, to your child's other parent in a degree of kinship closer than 2nd cousin.

Homicide or Solicitation to Commit Homicide of Parent. *As proven by evidence that:*

You have been convicted of the intentional or reckless homicide of the other parent, or solicitation to commit intentional or reckless homicide of the other parent, in violation of §§940.01, 940.02 or 940.05, 939.30, Wis. Stats., or a comparable state or federal law.

Parenthood as a Result of Sexual Assault. *As proven by evidence that:*

- You are or may be the father of a child.
- The child was conceived as the result of a sexual assault in violation of §§940.225(1),(2) or (3), 948.02(1) or (2), or 948.025 or 948.085, Wis. Stats., which you committed against the child's mother during a possible time of conception.

Commission of a Felony Against a Child. *As proven by evidence that:*

- You have been convicted of a serious felony as defined in §48.415(9m)(b), Wis. Stats., against one of your children.
- You have committed child trafficking in violation of §948.051 or a comparable state or federal law involving any child.

Prior Involuntary Termination of Parental Rights to Another Child. *As proven by evidence that:*

- Your child has been adjudicated to be in need of protection or services under §48.13(2),(3) or (10), Wis. Stats. or your child was born after a petition for termination of parental rights under §48.415(10), Wis. Stats., was filed in which a sibling of your child is the subject.
- In the three years prior to the child being adjudicated in need of protective services as specified in §48.415(10)(a), or in the case of a child born after the filing of a petition regarding a sibling as specified in §48.415(10)(a), within three years prior to the date of the birth of the child, a court has ordered the termination of your parental rights with respect to another of your children on one or more grounds specified in §48.415, Wis. Stats.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

DISTRIBUTION:

1. Court
2. Juvenile
3. Juvenile's Parents/Guardian/Legal Custodian/Indian Custodian
4. Juvenile's Attorney
5. District Attorney/Corporation Counsel
6. Case Worker
7. Tribe
8. Other: _____