

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Name

Date of Birth

**Order for Change in Placement
with Termination of Parental Rights Notice
(In-Home to Out-of-Home Placement Only)
Indian Child Welfare Act**

Case No. _____

THE COURT FINDS:

1. The child/juvenile is currently under a dispositional order.
2. A Request for Change in Placement has been filed.
3. The hearing on the request was held on [Date] _____, which is the effective date of this Order.
4. The allegations of the request are not proven.
5. The allegations of the request are proven and the court adopts them as findings of fact.
 - A. The child/juvenile is subject to the Indian Child Welfare Act.
 - B. The child/juvenile is placed out-of-home.
 - 1) Continued custody of the child/juvenile by the parent or Indian custodian is is not likely to result in serious emotional or physical damage to the child/juvenile, based on the testimony of one or more qualified expert witnesses.
 - 2) Active efforts were were not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family.
 See attached Statement of Active Efforts (IW-1609)
 - 3) 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:
 - 4) Placement in-home at this time is is not contrary to the child's/juvenile's welfare.
 - 5) 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 child/juvenile from the home as follows:

not required under §48.355(2d), Wis. Stats. _____

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

6) Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were

made.

not required because the child/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 child/juvenile or any of the siblings.

7) 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.

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

9) Other: _____

THE COURT ORDERS:

The request for change in placement is

1. **DENIED.**

2. **GRANTED.**

A. The child/juvenile is placed out-of-home at _____ and into the placement and care responsibility of the department in the county where this order is issued, or the Division of Milwaukee Child Protective Services if this order is issued in Milwaukee County under Ch. 48, 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 child/juvenile reaches his or her 18th birthday;
- The date the child/juvenile is granted a high school or high school equivalency diploma or the date the child/juvenile reaches his or her 19th birthday, whichever occurs first, if the child/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 child/juvenile is granted a high school or high school equivalency diploma or the date the child/juvenile reaches his or her 21st birthday, whichever occurs first, if ALL of the following apply:
 - The child/juvenile is a fulltime student in secondary school or vocational or technical equivalent.
 - An individualized education program is in effect for the child/juvenile.
 - The child/juvenile or guardian, on behalf of the child/juvenile, agrees to this Order.
 - The child/juvenile is 17 years of age or older when this Order is entered.

OR

Expiration date of this Order: _____.

B. Transportation to the new placement shall be provided by _____.

C. The child/juvenile has one or more siblings in out-of-home care and the child/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 child/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 child/juvenile or any siblings.
- D. The department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.357(2v)(d) or §938.357(2v)(d), Wis. Stats., to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.357(1)(c)2m. or §938.357(1)(c)2m., Wis. Stats., no later than 30 days from the date of the child's/juvenile's removal from the home, unless the search was previously conducted and notice provided.
- E. A permanency plan consistent with the court's Order shall be filed no later than 60 days from the date of the child's/juvenile's removal from the home and shall be made part of this Order.
- F. 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] _____.
- G. 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.
- H. All provisions of the dispositional order not changed by this Order remain in full force and effect.
- I. 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 a safe return to the home or a 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.
- J. Other: _____

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. Child/Juvenile/Attorney/Guardian ad Litem
3. Parents/Guardian/Indian Custodian
4. Legal and/or Physical Custodian/Attorney (if any)
5. Case Worker
6. Foster Parent/Treatment Foster Parent (if any)
7. District Attorney/Corporation Counsel
8. Tribe
9. Other: _____