

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Amended

Name _____

Date of Birth _____

**Permanency Hearing Order
with Termination of Parental Rights Notice
Indian Child Welfare Act**

Case No. _____

A Request for Hearing was filed with the Court and notice was given to all interested parties.

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

THE COURT REVIEWED THE PERMANENCY PLAN FILED BY THE AGENCY AND FINDS:

- 1. A. The permanency goal for the child/juvenile has been
 - return to the home.
 - adoption.
 - placement with a guardian.
 - permanent placement with a fit and willing relative.
 - placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).
- B. This goal continues to be is no longer appropriate.

- 2. A. The concurrent permanency goal for the child/juvenile has been
 - return to the home.
 - adoption.
 - placement with a guardian.
 - permanent placement with a fit and willing relative.
 - placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).
- B. This goal continues to be is no longer appropriate.

3. It is is not appropriate for the child/juvenile to have a concurrent permanency goal.

4. The extent of compliance with the Permanency Plan is as follows:

	in compliance	in partial compliance	not in compliance
<input type="checkbox"/> agency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> service provider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Parent 1 [Name] _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Parent 2 [Name] _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> child/juvenile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> child/juvenile's guardian [if any]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

5. The placement of the child/juvenile continues no longer continues to be necessary, safe and appropriate.
 Placement in a planned permanent living arrangement is the best permanency goal for the child/juvenile at this time. It continues not to be in the best interests of the child/juvenile to be returned home or placed for adoption, with a guardian, or with a fit and willing relative. The reasons for these findings are:

6. Adequate efforts have have not been made to involve the appropriate service providers in meeting the special needs of the child/juvenile and his or her parent(s).
7. Sufficient progress has has not been made in eliminating the causes for the child's/juvenile's out-of-home placement and toward returning the child/juvenile safely to his or her home or toward obtaining a permanent placement for the child/juvenile.
8. The child/juvenile will be returned to his or her home or placed for adoption, with a guardian or in some other planned permanent living arrangement by [Date] _____.
9. The child/juvenile has been placed outside of his or her home in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months.

The permanency plan is

- appropriate.
 not appropriate because it fails to sufficiently address the circumstances which prevent the child/juvenile from
- being returned safely to the home;
 - being placed safely in the home of a fit and willing relative;
 - having a petition for involuntary termination of parental rights filed on behalf of the child/juvenile;
 - being placed for adoption;
 - being placed with a guardian;
 - being placed in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).

10. Reasonable efforts to achieve the permanency goal of the permanency plan, including through an out-of-state placement if appropriate, were
 made by the department or agency responsible for providing services.

 not made by the department or agency responsible for providing services.

11. 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.
12. 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)**

13. Placement was 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.

14. The child/juvenile has a permanency goal of placement in a planned permanent living arrangement, and the agency has taken the following steps, including consulting with the child/juvenile, to ascertain whether the child/juvenile has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to ensure that the caregiver is applying the reasonable and prudent parent standard to decisions concerning participation in those activities:

15. The child/juvenile is subject to an order that terminates at age 21 or is under a voluntary transition to independent living agreement.

A. The transition to independent living plan is is not appropriate.

B. Sufficient progress has has not been made by the child/juvenile toward the transition to successful adulthood.

C. The transition to independent living plan has or has not been complied with as follows:

	complied with	not complied with
<input type="checkbox"/> agency	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> service provider	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> child/juvenile	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> child/juvenile's guardian [if any]	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

THE COURT ORDERS:

1. The permanency goal for the child/juvenile remains is changed to

return to the home.

adoption.

placement with a guardian.

permanent placement with a fit and willing relative.

placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).

2. The concurrent permanency goal for the child/juvenile remains is changed to

return to the home.

adoption.

placement with a guardian.

permanent placement with a fit and willing relative.

placement in some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult (if 16 years or older).

3. 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.

4. 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.

5. Other: _____

6. The department or agency shall file a new permanency plan with the Court by [Date] _____.

7. The department or agency shall file a request to change placement with the Court by [Date] _____.

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
3. Child's/Juvenile's Guardian ad Litem/Adversary Counsel
4. Parents
5. Parents' Attorney(s)
6. Child's/Juvenile's Guardian/Legal Custodian
7. Relative Caregiver/Foster Parent/Facility
8. District Attorney/Corporation Counsel
9. Caseworker
10. Court Appointed Special Advocate (CASA)
11. Tribe
12. Indian Custodian _____