

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Name _____

Date of Birth _____

**Order Concerning Termination
of Parental Rights
(Involuntary)
Indian Child Welfare Act**

Case No. _____

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

THE COURT FINDS:

1. Notice was given to all those entitled to notice.

2. The child is subject to the Indian Child Welfare Act.

3. The parent(s) are

- | | | |
|-----------------------------|---------------------------|----------------------|
| <input type="checkbox"/> A. | Mother's name: _____ | Date of birth: _____ |
| <input type="checkbox"/> B. | Father's name: _____ | Date of birth: _____ |
| <input type="checkbox"/> C. | Other possible father(s): | |
| | Name: _____ | Date of birth: _____ |
| | Name: _____ | Date of birth: _____ |
| | Name: _____ | Date of birth: _____ |

4. There was no declaration of paternal interest.

5. The following grounds for termination of the parental rights of _____ were found to exist:

Mother Father

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | abandonment |
| <input type="checkbox"/> | <input type="checkbox"/> | relinquishment |
| <input type="checkbox"/> | <input type="checkbox"/> | continuing need of protection or services |
| <input type="checkbox"/> | <input type="checkbox"/> | continuing parental disability |
| <input type="checkbox"/> | <input type="checkbox"/> | continuing denial of periods of physical placement or visitation |
| <input type="checkbox"/> | <input type="checkbox"/> | child abuse |
| <input type="checkbox"/> | <input type="checkbox"/> | failure to assume parental responsibility |
| <input type="checkbox"/> | <input type="checkbox"/> | incestuous parenthood |
| <input type="checkbox"/> | <input type="checkbox"/> | homicide or solicitation to commit homicide of parent |
| <input type="checkbox"/> | <input type="checkbox"/> | parenthood as a result of sexual assault |
| <input type="checkbox"/> | <input type="checkbox"/> | commission of a felony against a child |
| <input type="checkbox"/> | <input type="checkbox"/> | prior involuntary termination of parental rights to another child |

- A. Mother Father was found in default. An evidentiary hearing was conducted establishing grounds for termination of parental rights.
- B. The court granted partial summary judgment on the grounds for termination of parental rights for Mother Father.
- C. Mother Father had this matter tried to a jury. the court.
- D. Mother Father entered a no contest plea to the involuntary grounds for termination of parental rights. The plea was made knowingly, intelligently, and voluntarily. Testimony supporting the allegations in the petition was presented to the court and there is a factual basis for the admission of the alleged facts.

6. A. Continued custody of the child by the parent(s) or Indian custodian is is not likely to result in serious emotional or physical damage to the child, based on the testimony of one or more qualified expert witnesses.

B. 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)

7. The mother father is unfit.

8. It is in the best interest of the child that the parental rights of the mother father(s) be terminated after considering the following factors:

- The likelihood of the child's adoption after termination.
- The age and health of the child, both at the time of the disposition and, if applicable, at the time the child was removed from the home.
- Whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever these relationships.
- The wishes of the child.
- The duration of the separation of the parent from the child.
- Whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placements and the results of prior placements.

9. 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 there is a permanency plan]*

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:

10. Any parent who has appeared was informed of the provisions of §§48.432, 48.433 and 48.434, Wis. Stats.

11. Other: _____

12. The evidence does not warrant the termination of the parental rights of [Name] _____.

THE COURT ORDERS:

1A. The parental rights of [Name of Parent(s)] _____ is/are terminated.

Guardianship, placement and care responsibility, and custody of the child

remain with the parent whose rights have not been terminated.

are transferred pending adoption to _____.

Other: _____

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.

If guardianship or custody is transferred to an agency, that agency shall be responsible for securing the adoption of the child or establishing the child in a permanent family setting. The child's permanency plan was filed. is attached. will be filed within 60 days.

The provisions of §§48.432, 48.433 and 48.434, Wis. Stats. are attached.

1B. The Petition to Terminate Parental Rights of [Name] _____ is dismissed.

2. Other: _____

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

1. Court
2. Child's Guardian ad Litem/Adversary Counsel
3. Parents
4. Parents' Attorney(s)
5. District Attorney/Corporation Counsel
6. Caseworker
7. DCF Public Adoption Agency – if given guardianship (certified copy)
8. Guardian appointed under §48.977 (2) - certified copy
9. Tribe
10. Indian Custodian