

TERMINATION OF PARENTAL RIGHTS GUIDE

Packets of all required forms may be obtained at www.waukeshacounty.gov or <http://wicourts.gov/>, or the Juvenile Court office.

The Department of Children and Families state forms (CFS forms) can be downloaded at: <http://dwd.wisconsin.gov/DCF/forms/viewSort/list.asp?ResetSearch=Yes> or <http://dcf.wisconsin.gov>

FORMS/FEEES FOR FILING

- Petition for Termination of Parental Rights (TPR) - **State Form #[JC-1630](#)**
- Uniform Child Custody Jurisdiction and Enforcement Act Affidavit - **SF #[GF-150](#)**
- Summons - for personal service - **SF #[JC-1633](#)**
- Notice and Order of Hearing - for publication if personal service cannot be obtained - **SF #[JC-1635](#)**
- Consent to Use Mother's Name for Publication (if applicable) - **SF #[JC-1634](#)**
- Certified copy of child's Birth Certificate (unless recently born and birth certificate not yet on file)
 - The copy will be returned to you
- Copy of Paternity Judgement (if available, if paternity has already been established)
- \$450.00 Guardian ad Litem fee (for each GAL) made payable to "Clerk of Juvenile Court"
 - (For Step-parent adoptions where there is more than one child being adopted, post only one GAL fee)
- \$15.00 court cost made payable to "Clerk of Juvenile Court"

ADDITIONAL FORMS TO BE FILED PRIOR TO COURT HEARING

- Court Report for Centralized Birth Record (COMPLETED BY PETITIONER!) - **SF #[CFS-0134](#)**
- Family History Questionnaire/Medical/Genetic (completed by each terminating birth parent,
 - if voluntary TPR) - **SF #[DCF-F-CFS-149](#)**
- Family History Questionnaire/Medical/Genetic, Pregnancy & Delivery Information (completed by birth mother, if terminating and voluntary TPR) - **SF #[DCF-F-CFS-149-A](#)**
- Affidavit (to accompany Family History Questionnaire) - OPTIONAL FORM for birth parent to sign if voluntary TPR - **SF #[DCF-F-CFS-142](#)**
- Order Concerning Termination of Parental Rights (Voluntary or Involuntary) - **SF #[JC-1638](#), [JC-1639](#)**
- Court Inquiry on Paternal Interest Declaration (to be sent to Madison by petitioner with Court's return address (should be sent to Madison at the time of filing to allow time for response) - **SF #[CFS-0019](#)**
- Agency's written TPR report, including the Permanency Plan
- Proof of Service or Proof of Publication with Proof of Attempted Service
- Acknowledgement of Receipt of Sec. 48.432, 48.433 & 48.434 Wis. Stats. (for each terminating birth parent, if voluntary TPR) *available at the juvenile court office*
- Acknowledgement of Alternatives & Rights (for each terminating birth parent, if voluntary TPR) *available at the juvenile court office*
- Consent to Termination of Parental Rights (Affidavit) (for each terminating birth parent, if voluntary TPR) - **SF #[JC-1636](#)**
- Consent to Termination of Parental Rights (Judicial) (for each terminating birth parent who wishes to give consent to TPR before a Judge but does not wish to attend the hearing) - **SF #[JC-1637](#)**

SERVICE

Personal Service - Summons and Petition must be served at least 10 days prior to hearing.

Publication (constructive notice) - Pursuant to Sec. 48.42(4)(b) Wis. Stats. A Notice under this section shall be published as a Class 1 notice at least 7 days prior to the hearing. Review Sec. 48.42 Wis.

Stats. to acquire proper notice. **USE ONLY THE CHILD'S INITIALS IN THE PUBLICATION NOTICE!**

GENERAL INFORMATION

A Guardian ad Litem will be appointed for the child by the Court in ALL TPR cases. The same applies for any minor birth parents. If filing for more than one child, submit a completed set of forms for each child but post only one GAL fee for each GAL appointed.

Under Sec. 48.422 Wis. Stats., the TPR hearing shall be held within 30 days of the filing of the petition. Petitioner must serve the Summons and a copy of the TPR petition, with the attached Uniform Child Custody Jurisdiction and Enforcement Act Affidavit, on the parent(s) to be terminated and file the proof of service or proof of attempted service and proof of publication to the Court no later than 48 hours prior to the hearing. Notice of the TPR hearing must be given to the child if 12 years of age or older by service of a Summons and Petition. If the child is 14 years of age or older, they must also appear at the court hearing.

If the petitioner is filing a voluntary termination of parental rights, the terminating parent(s) may give consent before any Judge and sign the "Consent to Termination of Parental Rights (Judicial)" form. If the terminating parent(s) do not wish to go before a Judge, they can still give their voluntary consent by signing the "Consent to Termination of Parental Rights (Affidavit)" form before a Notary Public and two witnesses. The Court will expect the petitioner to present the terminating parent(s) signed "Consent to Termination of Parental Rights (Affidavit)" and "Acknowledgement of Alternatives and Rights" forms at least 48 hours prior to the court hearing. (Refer to sec. 48.41 Wis. Stats.).

Please be advised that court staff cannot give legal advice or assistance. If you do not understand how to prepare the forms or how to properly serve notice to the parties, you are advised to obtain legal help.

Contact Information:

Waukesha County Juvenile Court
521 Riverview Avenue, JC-103
Waukesha, WI 53188
Phone: (262) 548-7449
Facsimile (262) 548-7459