

JUVENILE COURT  
POLICY/PROCEDURE

**ADOPTION SEARCH**

POLICY

The Juvenile Court will maintain a procedure for processing requests for an Adoption Search in accordance with any applicable Statute or State of Wisconsin Administrative rules.

PROCEDURE

To accomplish this process:

1. The agency responsible for working with the biological mother and father will bring to the hearing two completed copies of the "model Court Report for Centralized Birth Record"
2. For a step-parent TPR/Adoption, the attorney or parent filing the petition will be responsible for providing the court with the completed forms.
3. The court will file one copy in the court record and sent to Adoption Search the other copy.
4. The agency or attorney will attempt to have completed the medical and genetic information, including a report of any medical examination the parents had within one year before the date of the petition, and a report describing the child's prenatal care and medical condition at birth. The affidavit may also be completed immediately following the TPR hearings. It will be the responsibility of the agency or attorney to send directly to Adoption Search any of these forms not complete by the hearing as soon as possible.
5. It is the recommendation of the Dane County Juvenile Court that the State Department refer all searches to the original agency involved in the TPR and/or adoption whenever possible, and that the State Department develop the memorandums of understanding necessary to accomplish this goal.

EXCEPTIONS/COMMENTS

None

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**INDEPENDENT TPR/ADOPTION PROCEEDINGS**

POLICY

In a non-relative independent adoption, the Judge shall appoint a Guardian Ad Litem for the child and a GAL for a minor parent. The prospective parents shall pay all GAL fees at the attorney's usual rate and may be required to make a deposit for those fees in advance.

Judges **will not** go to the hospital to conduct a hearing for an independent adoption.

No adoption will be granted in which an attorney has acted as an intermediary. If an attorney represents or ever represented any party in an independent adoption and has any financial or business arrangement, either formal or informal, with the agency conducting the placement or the agency counseling the biological parent(s) this must be disclosed to his or her client and to the court.

- The study presented to the court for approval of an adoptive placement shall include:
1. A full description of the manner in which the biological parent(s) and the proposed adoptive parents located each other, who was involved in facilitating that meeting, and what contacts they have had prior to the placement hearing.
  2. A full description of all financial exchanges between the biological parent(s) and the proposed adoptive parents, including any in-kind services, expenses paid, reimbursements, promises to provide anything of value in the future, and exchanges of anything of value.
  3. A full description of the services received by the biological parent(s).
  4. A report of any criminal record of the proposed adoptive parents discovered through a check of law enforcement and criminal court records for the areas in which these proposed adoptive parents resided.

PROCEDURE

- To accomplish this process:
1. The attorney shall file with the Juvenile Court Commissioner Clerk the petition for approval of placement signed by the potential adoptive parents and the natural parent(s). If either natural parent(s) is a minor, the process shall start with a petition for appointment of a GAL for that parent.
  2. Upon receipt of a proper petition, the Juvenile Court clerk(s) will assign the case to a Judge and send the file/case to the Branch for scheduling.

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**PRIVATE AGENCY TPR/ADOPTIONS FEES**

POLICY

Fees for the GAL in a private agency TPR/Adoption will be paid by the agency involved. Waiver of this requirement may be granted upon a showing that the child has special needs, if the proposed adoptive parents are receiving reduced cost services from the agency, or if an immediate adoption is not available.

PROCEDURE

The agency shall pay the appointed GAL directly with copies of the bill sent to the court. Any costs over \$500 are to be approved by the court prior to payment. The agency may have up to 10 days to object to GAL fees.

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**STEP PARENT ADOPTION(S)**

POLICY

A Guardian Ad Litem must be appointed by the time of the TPR, and fees will be paid by the stepparent unless waived by the Court. The GAL will bill at a rate established by the Clerk of Courts with approval of the Court and will bill the party directly with a copy to the court. Parties have up to 10 days after billing to object to the GAL fees requested.

PROCEDURE

In cases involving **VOLUNTARY CONSENT:**

1. Natural parent(s) may sign a consent to the Termination of Parental Rights before a Judge of any Court of Record. Parties filing the voluntary TPR petitions should be directed to the Probate Court. The Commissioner will schedule the consent hearing on a date designated by the Court, before the Juvenile Judge of the next week prior to, or after the adoptions now being scheduled on the designated mornings. Any legal questions or requests for copies of forms may be directed to the Probate Commissioner.
2. Once the consent has been executed by the parent(s) the paperwork is to be returned back to Probate court to process the petition.

In cases involving an **INVOLUNTARY TPR:**

1. An attorney is advisable but not required to start an involuntary TPR for a stepparent adoption. Involuntary would include, but may not be limited to, a missing father/mother, an adjudication or natural (by marriage) father/mother not agreeing to a TPR, or non-adjudicated alleged father or fathers.
2. The attorney would file a Petition for Termination of Parental Rights in Juvenile Court with the Juvenile Court Commissioner Clerk, and the case will be assigned to a Judge and set for hearing, that hearing to occur within 30 days of filing.
3. After the Termination of Parental rights, the attorney may file a Petition for Adoption with a certified copy of the TPR of father/mother with the Commissioner.

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**NOTICE PROVISIONS REGARDING TERMINATION OF PARENTAL RIGHTS**

POLICY/PROCEDURE

At the time a Juvenile Judge enters an order to terminate the parental rights of one or both parent(s), the judge shall provide the parent(s) present in the courtroom with a copy of §48.432 and §48.433 (access to medical and identifying information about parents) as well as a copy of the Wisconsin Department of Health and Social Services Regulations pertaining to these provisions. The Judge shall obtain a signed receipt from each parent indicating that these documents have been provided. Any parent(s) not present shall be sent copies of these documents to his/her last known address together with the Order to Terminate Parental Rights.

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**RECUSAL WHEN THE COURT  
ORDERS A TPR PETITION TO BE FILED**

POLICY

In the event that the Court orders that a TPR petition be filed, that Judge must recuse himself/herself from the case, and the case will be reassigned to another Juvenile Judge.