

**A Pro se Parent's Guide to
CHIPS Cases in Wisconsin
Version 2**

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Note on Citations:

- *Id.* is a lawyer's citation for "idem" which is Latin for "the same". So, if a citation is *Id.* it means the same as the one above that.
- *See.* means an inference was made from the citation.
- Wis. Stat is Wisconsin Statutes, current 2023-2024 through March 2025.
<https://docs.legis.wisconsin.gov/statutes/statutes/48.pdf>

NOTE FROM THE AUTHOR:

I am an attorney licensed in Wisconsin since the spring of 2016. I have been fortunate to practice juvenile law in counties throughout the state of Wisconsin. Some of the information contained in this project comes from that experience. This guide is not a replacement for an attorney. This guide is not legal advice. No Attorney-Client relationship exists by virtue of this guide. Each case presents unique facts and circumstances which may change the legal analysis.

Design: This guide is designed to help a parent feel less overwhelmed by the Juvenile Court System and CHIPS cases in Wisconsin. When a child is removed from the home, it is often the worst day in a parent's life. There are a lot of people all saying a variety of things, and the process seems very overwhelming. This guide can be read through to help get a general understanding of what to expect and help calm your nerves. Then it can be referred to later for more specific questions as they arise.

For this Guide the term "parent" is utilized to mean a child's primary caregiver. This may be a guardian, parent, grandparent or other individual primarily responsible for a child's care as more detailed in the statutes. The simplification is for ease of reading.

Goals: When representing parents in these cases, in our first conversation I ask the parent what their "goal" is. This guide assumes that the parent's goal is reunification. (This is often the case, but there are many parents for a variety of reasons where reunification isn't their overall goal.) At different points in time, I suggest you ask yourself to remember your end goal – look at the progress you've made (or haven't) and assess your situation with your overall goal in mind. Sometimes this change in perspective is helpful in moving forward.

Inapplicable: This guide is not always applicable. Milwaukee has a unique Children's Court System and has numerous exceptions to the general rules. The Indian Child Welfare Act (ICWA) and Wisconsin's adaptation, the Wisconsin Indian Child Welfare Act (WICWA) change various burdens of proof, notification requirements, and placement options (among other things). A parent in ICWA/WICWA cases is entitled to representation by the office of the state public defender (SPD) and/or the case may be transferred to Tribal Court. Because representation is available to ICWA/WICWA parents, I do not go into any detail on ICWA/WICWA cases. If you believe that you or your child qualify for membership in a Native American tribe, or there is a chance you qualify – tell your social worker immediately. You should also talk to the tribe and/or tribal members of your family to verify qualifications and membership.

Terms: One of the more difficult parts of a CHIPS case is understanding the role different people play and the language used. This Guide contains a section on abbreviations, acronyms, and terms to know. Everybody learns differently and you have a right to understand the process and what is being said. Take time to learn the language of juvenile court and refer to this Guide as questions arise.

Court Forms: Throughout this Guide I reference Court forms. Standard forms are available online, for free.

Juvenile Court Forms:

1. <https://www.wicourts.gov/forms1/circuit/index.htm>
2. Click Juvenile
3. Click Juvenile (Chapter 48)

Other Court Forms:

1. <https://www.wicourts.gov/forms1/circuit/index.htm>
 2. Search for a Form: Type either the form number or document name or keywords.
 - a. Fee Waiver: CV-410A
 - b. Fee Waiver Order: CV- 410B
 - c. Request Attorney: GF-152A
 - d. Order for Atty: GF-152B
-

ABBREVIATIONS, ACRONYMS, AND TERMS TO KNOW

Burden of Proof: The moving party (person asking the Court for something, in CHIPS cases this is often the petitioner) must prove what they are claiming by a specific level of certainty. This level of certainty is called their burden of proof. There are many ways to think of the burdens of proof, one helpful way is to analogize them to football.

1. **Probable Cause:** is a low-level burden of proof. This burden requires the petitioner to show that their claims are more than likely true.¹ (Football analogy: in the stadium, at the game.)
2. **Clear and Convincing:** This is the middle burden of proof. The petitioner must prove their claims to a reasonable certainty by evidence that is clear and convincing.² (Football analogy: Field Goal range – not on the kicker’s best day, but a normal field goal.)
3. **Beyond a Reasonable Doubt:** This is the highest standard of proof and requires the petitioner to prove their claims to such a level that there is no reasonable doubt in the fact finder’s mind that the events occurred.³ This is the burden used in criminal cases. (Football analogy: Clear Touchdown – no need for replays!)

CHIPS: CHIPS is an abbreviation used to describe a specific type of case in juvenile court. CHIPS stands for Child in Need of Protection or Services and is a case filed which alleges that a child is in need of protection or services for one of the reasons provided for in the statutes.⁴ Grounds (reasons) for CHIPS cases are found in Wis. Stat. §48.13 and include:

- (1) Child is without a parent or guardian
- (2) Child has been abandoned. (Section 2m is a parent relinquishing custody of an infant).
- (3) Child has been the victim of abuse, including injury that is self inflicted or inflicted by another. (Section 3m is risk of abuse when another child in the home has been the victim of abuse).
- (4) Parent signs the petition because they need assistance to care for or provide necessary special treatment or care for the child. (Section 4m is when the parent needs help but won’t sign the petition.)
- (5) Child placed for adoption in violation of the law
- (8) Child is receiving inadequate care during a time when the parent is missing, incarcerated, hospitalized or institutionalized
- (9) Child, twelve and older, signs petition requesting jurisdiction because they need special treatment or care and parent is unwilling, neglecting, or unable to provide assistance.
- (10) The child’s parent neglects, refuses, or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child. (Section 10m is risk of neglect based on another child in the home being neglected.)

(11) Child is suffering emotional damage which the parent has neglected, refused, or been unable (for reasons other than poverty) to obtain the necessary treatment or take necessary steps to ameliorate the symptoms

(11m) Child is suffering from an alcohol or other drug abuse impairment, exhibited to a severe degree, for which the parent, guardian or legal custodian is neglecting, refusing, or unable to provide treatment.

(13) Child has not been immunized without an exemption.

(14) Child's parent is in a qualified residential family-based treatment facility, (or soon will be), and signs the petition requesting jurisdiction, with the department's consent, to allow the child to reside with the parent at the facility.

(Note there is no section 12, this is common in the statutes, legislatures either leave sections open to allow space for new grounds or have removed that ground through amendments to the statutes over time.)

Consent Decree: is a contract entered into by the parents, social workers, and attorneys. It contains a specific set of conditions/rules which the parties agree to follow; if the parties are able to follow the terms of the consent decree for the duration of the agreement (typically 6 months) then the case is dismissed without a finding. If the parties are unable to adhere to the terms of the agreement (for example a parent uses illegal substances) then the consent decree is revoked, and the case proceeds to disposition.

Conditions of Return: are things a parent must do in order to have the child return to their home. These conditions are not to be treated like a checklist but provide a framework of things a parent should expect to do in order to demonstrate their appropriateness and achieve reunification.

Court: is a term used to describe both a courtroom (the courthouse, going to court etc.) and the Judge in a case. In Wisconsin, pleadings don't use judge's names, you won't say "Judge Smith previously ordered xyz;" instead you would see: "The Court previously ordered xyz." When referring to a courtroom, the "c" is typically lower case, when referring to a judge, the "C" is capitalized.

CPS: is the abbreviation for Child Protective Services; and is a system to support parents and caregivers "in making necessary changes so children are safe and protected in their homes."⁵

Dispo: Dispo is short for disposition. Disposition is the outcome of the case. A "Dispo Report" is written to provide the Court with information about the case, and a "Dispo Order" is the order governing the case. There are different rules that apply to a case "pre dispo" and "post dispo."

Finding: is when the child is officially found to be in need of protection or services.

Grounds: are like reasons. There may be grounds (reasons) to terminate your parental rights, or grounds (reasons) to find your child in need of protection or services.

IAW: is the abbreviation used to describe the Initial Assessment Worker. This is the social worker that responds to investigate allegations of abuse or neglect. They handle the initial investigation and make the internal determination of whether or not to substantiate the case.

ICWA / WICWA: are the abbreviations used to describe the *Indian Child Welfare Act* and Wisconsin's adaptation, the *Wisconsin Indian Child Welfare Act*. If a child, or parent, qualifies for membership in a Native American or Alaskan Native tribe; then a different set of rules apply to the CHIPS case. The consequences of failing to follow the "different" law in ICWA cases is to *undo* the case and progress made (including undoing any adoption etc.).⁶ For this reason you will be asked to confirm if there is reason to believe ICWA applies several times. If you believe that you or your child qualify, may qualify, are members of, may be members of a tribe – tell your social worker, tell the Court, make it known. If ICWA applies you will qualify for representation from SPD.

Initial Assessment: is the process of gathering information to determine if the children in the home are safe, what services may be needed to help, and if maltreatment occurred.⁷

Ongoing Worker: The ongoing social worker assigned to the case after the initial assessment is complete. They typically work with the case from disposition until case closure.

Parties: The people involved in the case are the **parties**.

- **Advocate Counsel:** This is an attorney appointed or hired to advocate for their client's wishes. If a child has advocate counsel, the attorney will advocate for whatever the child wants. Not what is best for them, or what their parents want. This is true regardless of who is paying their bill.
- **(Assistant) Corporation Counsel:** This is the attorney who is representing the Department. They may also represent the interests of the public.⁸ They are sometimes called "Corp. Counsel" or Assistant Corp. Counsel.
- **(Assistant) District Attorney (ADA):** This may be the attorney who sits next to the social worker. They represent the interests of the public.⁹
- **Commissioner:** Depending on the type of hearing, the case may be heard by a Court Commissioner. They sit at the bench, may or may not be wearing a robe, but will be called

Commissioner not Judge. The Commissioner can still enter orders that affect your case and your rights.

- **Guardian Ad Litem (GAL):** This is the attorney who represents the best interests of the child.¹⁰ A GAL does NOT represent what the child wants but should inform the Court of the child's wishes. If a GAL and a child disagree, the GAL should request advocate counsel for the child.
- **Petitioner:** This is another term for the person or organization that brought the action.
- **Respondents:** This is another term for the parents and children in a case. Basically, everyone who is not a Petitioner is a Respondent.

Perm Plan: is short for Permanency Plan. A Perm Plan is a report created by the Department and filed in the case. The Perm Plan tells the Court about the family's progress towards meeting the conditions, and documents how the Department is making *reasonable efforts* to reunify the child and/or achieve permanency. The Perm Plan contains goals, and these goals are different methods being worked towards to achieve permanency for the child.

Permanence: Permanency is stability, its home, its knowing what comes next.¹¹

Petition: This is the document that officially starts the CHIPS case, it explains why you are in court. It alleges that the child is in need of protection or services under a specific part of the statute, §48.13(applicable subsection), and it contains allegations (purported facts) that the Petitioner believes show that the statute should apply. (*Example a Petition could allege that under Wis. Stat. §48.13(8) the child is in need of protection or services because on January 1, 2025, the child's parents were both arrested by the Sheriff's Department, leaving no parent able to provide for the necessary care and custody of the child. There will be a lot more information included – but here you can see the Petition says that the child was in need of protection or services, because the parents were unavailable due to incarceration.*)

Placement: is where the child is living. The placement resource is not a party to the action; however, they have certain rights to make statements and participate (on a limited basis) during certain hearings.¹²

Plea: Admit, No Contest, Deny In CHIPS cases you have the right to enter a plea. A plea is how you tell the Court whether or not you agree with the contents of the Petition and the Petitioner's requested relief.

Present Danger Threats: clearly observable family condition that is: significant, immediate (occurring or in process), and will likely result in severe harm to a child.¹³

Substantiation: This is an internal finding by the Department that means that the Department believes that you abused or neglected the child.¹⁴

SPD: State Public Defender An attorney from the Office of the State Public Defender.

TPC: Temporary Physical Custody is the process by which a child is removed from the home of their parents.¹⁵ A child is said to be in “TPC” when they are placed outside of the home, and also subject to a TPC order when they are under a TPC Order. A TPC Order is entered prior to a Dispositional Order in a CHIPS case.¹⁶ (Pre-Dispo the TPC Order governs, while Post-Dispo the Dispositional Order governs.)

TPR: Termination of Parental Rights is a type of court case wherein the petitioner is seeking to remove all parental rights from a parent and free the child for adoption.

TPR Warnings: are given several times throughout the duration of a CHIPS case. They are provided to emphasize that if a parent does not meet their conditions of return they may lose their ability to be this child’s parent.

LEGALESE & COURTROOM BASICS

- A. If there is something that you want the court to do, you ask the Court to do that by filing a motion. When trying to understand what you can ask the court, a good place to check is Chapter 48 of the statutes.¹⁷
 - B. Everything that goes to the Court must go to the other parties as well. Attorneys get copies of documents through the electronic filing system, but non-electronic parties should be mailed copies of documents. (This is one of the reasons it is important to update your mailing address with the Department and with the court.)
 - C. Efile: the best way to stay informed on your case is to become an electronic party on the case. By being an electronic party you ensure that you receive copies of each and every pleading as it is filed. To opt in as an electronic party go to: <https://logon.wicourts.gov/newUserStep1.html> and create an account. There is a fee to opt in. You can request a fee waiver; (which is filed when you “opt in”). If the fee waiver is denied, you will be responsible for the e-file fee.
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Courtroom Attire

Generally, you should dress in business casual or business attire. Some courts will not let individuals in the courtroom if they are wearing shorts, flip flops, or tank tops. Other courts are more relaxed. By dressing your best, you are representing to the court that you are taking this seriously and that you respect the Court.

TAKING TEMPORARY PHYSICAL CUSTODY (TPC)

There are many ways authorized by the statutes that allow a child to be taken into TPC.¹⁸ Often, in a CHIPS case, a child is taken into custody because law enforcement has reasonable grounds to believe that the “child is suffering from illness or injury or is in immediate danger from [their] surroundings and removal from those surroundings is necessary.”¹⁹ In other words, law enforcement, believes that the child is sick, hurt, or in immediate danger because of their environment and they need to be removed for their own safety. When a child is taken into custody, the person taking the child must immediately attempt to notify the parent by the most practical means available.²⁰ If law enforcement cannot notify a parent prior to the child being delivered to the intake worker, the intake worker must continue to attempt to notify the parent until such notification is made.²¹

After receiving the child from law enforcement, the intake worker must determine if there is probable cause to believe that if the child is not kept in custody the child will be subject to injury, another child in the home will be subject to injury; or that a parent is neglecting, refusing, unable, or unavailable to provide adequate supervision and care (for this child or another in the home) and services available would be inadequate, or the child may run away or be taken away.²² Essentially, this means the intake worker (in their professional opinion) believes that the events occurred in this specific jurisdiction (county) and that the child or another child in the home has been abused, neglected, or may run or be taken away.²³

The child may be held in a parent’s home, a relative or like-kin family member’s home, in foster care, a group home, a child welfare facility, shelter-care, an unlicensed home, a hospital or a treatment facility.²⁴ There is a small possibility that a child would be held in detention or county jail; however, this is strictly regulated and not common.²⁵ In reality, a worker asks for family or close friends’ information who you trust to care for the children. The child will go to foster care if none of the people you have named are local, available, appropriate, or willing.

There is an exception to this rule of notification, and that is when a newborn is taken into custody because the birth parent has relinquished custody.²⁶ These are the babies whose mothers have made the difficult decision to leave them at the hospital, at the fire station, or with law enforcement.²⁷ For these children, there are special provisions that protect the identity of the birth mother.²⁸

TEMPORARY PHYSICAL CUSTODY (TPC) HEARING & ORDERS

Within forty-eight (48) hours of taking a child into custody (excluding weekends and legal holidays) there must be a hearing to determine if there is probable cause to believe that the child is in imminent danger, and that the parent is neglecting, unable, or unwilling to provide adequate supervision or care.²⁹ If a parent, or child over 12, is present at the hearing; then, a copy of the Petition (if filed)³⁰ shall be given to the parent before the hearing begins.³¹ The Court must inform the parent of the allegations made, the potential consequences, the right to counsel, and the right to present confront and cross-examine witnesses.³² The parent shall provide the names and identifying information of three adult relatives (or like-kin) whom they wish for the Court to consider as placement resources for the child.³³

At the TPC hearing the Court must determine if there is probable cause to believe that the child will be subject to injury, another child in the home will be subject to injury; or that a parent is neglecting, refusing, unable, or unavailable to provide adequate supervision and care (for this child or another in the home) and services available would be inadequate, or the child may run away or be taken away.³⁴ The Court then places the child in custody (meaning places the child under a Temporary Physical Custody order) in (almost always) the placement location recommended by the Department.³⁵ The Court can order restrictions on the child's travel and restrictions on the conduct of the parents.³⁶ The TPC Order must be in writing.³⁷

QUICK TIPS:

- There is a specific order to speaking. Do not interrupt and do not speak unless spoken to, or the Court indicates it is your turn to talk. Be respectful with your comments or questions. Speak clearly into the microphone.
- If you are contesting the TPC, then the IAW or law enforcement will testify as to why the TPC occurred. You have an opportunity to cross examine them during their testimony. Ask questions, if you have some; don't make statements. (Until argument at the end.)
- You have a right to testify too. You do not have to testify. If criminal charges may be filed, or you were arrested, it is generally not advisable to testify without first consulting your criminal attorney. If an attorney or the Court is raising fifth amendment concerns that is their polite way of warning you, that you're risking the use of your testimony in criminal prosecution.
- If you are considering an attorney, ask for the application for an attorney at this hearing. They may direct you to a clerk's office. If you are not in custody, go to the clerk's office for the paperwork.
- At TPC – hearsay is generally admissible if it has certain guarantees of trustworthiness.

PLEA HEARING

After a Petition is filed the case is scheduled for a plea hearing.³⁸ The Petition is the document that officially starts the CHIPS case and is entitled: “In the interest of (child’s name), a person under the age of 18.”³⁹ The Petition will be given a case number, this number has a specific format: the first part is the year, JC (indicates juvenile court), and then the last part is the number CHIPS case for that year in the county. For example, 2025JC14 is the fourteenth CHIPS case filed in juvenile court in this county in the year 2025. The Petition must contain specific information, as outlined in the statutes; to ensure compliance, many counties utilize the state form.⁴⁰ A copy of the Petition must be given to children over the age of twelve (12), parents, guardians, legal custodians, and physical custodians.⁴¹

A plea hearing is a crucial step in the case; however, they are scheduled and conducted in different ways across the state. Generally, at the plea hearing several things must occur and certain rights must be asserted, or they will be deemed waived.⁴²

1. Right to Substitution: You have a right to have the case heard by a different judge. In a county with only one judge a judge from a different county will come hear the case.⁴³
2. Right to Jury: You have a right to have the case heard by a jury of six (6) people.⁴⁴
3. Right to an Attorney: Parties have a right to be represented; but, they do not all have a right to a free attorney from the Office of the State Public Defender (SPD).
 - a. Children: A child over 12 is entitled to advocate counsel;⁴⁵ this attorney may be represented by an attorney from SPD.⁴⁶ A child under 12 may have a guardian ad litem instead of advocate counsel.⁴⁷ The child’s attorney or GAL may not act as an attorney for any other party involved in that proceeding.⁴⁸
 - b. Indian Parents: If a parent is an Indian Child, they have a right to counsel; this counsel may be appointed by the office of the SPD.⁴⁹
 - c. Parents: The court may appoint counsel for the child or any party, unless the person wishes to retain counsel of their own choosing.⁵⁰ If a parent requests counsel, the court shall refer the parent for a determination of indigency.⁵¹ The appointed attorney must be competent and independent.⁵² The attorney will be reimbursed in a method approved by the court; typically this is by the individual reimbursing the county in monthly installments for the attorney’s services.⁵³ In five counties, (Brown, Outagamie, Racine,

Kenosha, and Winnebago) attorneys for indigent parents used to be appointed by SPD; however that program recently ended.⁵⁴

- d. Timelines: Cases brought under Wis. Stat. §48.13 must be resolved in a timely manner. Time limits are often tolled / waived due to calendar congestion, lack of attorneys able to accept appointments, and for other reasons.⁵⁵ Whether to object to going outside the time limits is a fact-specific determination.

At the plea hearing, each responding party will be asked to enter a plea.⁵⁶ There are three options for a plea: Admit, No Contest, or Deny.⁵⁷ A plea of *Admission* essentially means that you agree with the contents of the Petition and that the Child is in Need of Protection or Services (CHIPS).⁵⁸ *No Contest* is a plea that essentially means that a person is not necessarily agreeing with the contents of the Petition but believes that if the case proceeded to trial the Petitioner would be able to prove the case. It isn't saying you agree with the contents of the Petition, you aren't saying you disagree either, but what you are saying is if we go to trial you agree that the Department will win; so you don't think it should go to trial.⁵⁹ A plea of *Denial* means that you disagree with the contents of the Petition and do not believe that the child(ren) need protection or services.⁶⁰

Depending on the local court practices, and if you have an attorney, you may be requested to fill out a plea questionnaire and waiver of rights form if you plead No Contest or Admit. This form helps ensure that the individual entering a plea understands the rights that they are giving up by entering a plea and is used by the courts to facilitate the taking of a freely, knowing, voluntary, and intelligent plea.

PRETRIAL PRACTICE

Before trial there are several requests that may be filed. A common request is called a *Demand for Discovery and Inspection*. These forms look different in different counties, but generally they require the other party to provide a copy of the information they have related to the case.⁶¹ There may be costs associated with obtaining discovery.⁶²

Any motion capable of determination before trial may be made before trial;⁶³ however, few motions are typically brought in these cases. Some motions must be brought within 10 days after the plea hearing or are deemed waived.⁶⁴ For a prose parent, drafting a motion to suppress, motion to dismiss, or other similar request would be all but impossible because the applicable law is quite complex, fact specific, and may expose well-meaning litigants to potential collateral consequences they did not intend.⁶⁵

Another pretrial document that should be filed is a witness list. In this document a party lists the people that they intend to call at trial, their contact information, and if that person is an expert witness.⁶⁶ There is (essentially) no such thing as surprise witnesses. The identity of each person who will take the stand is generally known before a trial, but the parties must ask for this information from each other, or the court.⁶⁷

As the case nears trial, the petitioning attorney will (usually) file a list of proposed jury instructions or file full jury instructions. These jury instructions are available online, for free.⁶⁸ These instructions are models, but they are also almost exclusively used.⁶⁹

Another important part of pretrial practice is negotiation and attempting to resolve the case. One method for resolution is a *Consent Decree*.⁷⁰ A Consent Decree essentially pauses the case for a period of time (up to six months), and pending compliance with the terms of the consent decree the case is dismissed.⁷¹ A Consent Decree is often used when the child is already in the home of their parent(s) and the Department is confident they can address safety issues in a more informal manner.⁷² Typically a plea is entered, and then a finding is withheld unless the Consent Decree is revoked, at which time the case would proceed to disposition.⁷³ If the parties are able to comply with the terms of the Consent Decree, the case is dismissed without a finding.⁷⁴

FACT FINDING HEARING

A fact-finding hearing is an evidentiary hearing, (a trial).⁷⁵ This hearing may be to the Court, or to a jury of six if requested by a child or parent before or during the plea hearing.⁷⁶ The fact finder (either the Court or the Jury) makes the findings of fact about whether or not the child is in need of protection or services which can be ordered by the Court.⁷⁷ At the fact-finding hearing the Petitioner will put on evidence through witness testimony and exhibits to demonstrate that the child is in need of protection or services. The rules of evidence apply.⁷⁸

What a lot of parents find confusing is that in CHIPS cases the Petitioner does not need to prove who hurt a child or that there is a specific bad guy, they only need to prove that the child needed protection or services on the day the Petition was filed (or possibly on the date of removal).⁷⁹ In an abuse case brought under Wis. Stat. §48.13(3), for example, the Department would not need to prove that dad hit child with a belt while mom watched and did nothing. The special verdict form provided to the jury has them answer one question – “Was child the victim of abuse?”.⁸⁰ The instruction tells the jury that the Petitioner must prove the answer by evidence that is satisfactory, and convincing, to a reasonable certainty.⁸¹ This means is that five of six jurors⁸² have to be at least 75% sure that on that day the child was the victim of abuse, and needed help. That’s it. There is no bad guy, just a child who needs help. This is why actual trials in CHIPS cases are so rare, because usually if the Department is involved and proceeds with a request for Temporary Physical Custody and files a Petition, they often have enough evidence to meet this burden.

If a parent is going to proceed to fact-finding; then it is imperative that they request an attorney. There are numerous laws, rules, and procedures involved in trials. Parents are also faced with their worst day, being talked about in *excruciating detail* during a trial. Thinking clearly (and applying all of those laws) becomes very challenging for parents appearing pro se in those situations.

DISPOSITIONAL HEARING

After pleas of no contest or admission, or a finding of “yes” at the fact-finding hearing, the case is scheduled for a dispositional hearing.⁸³ The dispositional hearing (dispo) will be within thirty (30) days of the plea or fact-finding hearing.⁸⁴ Between the finding and the Dispositional Hearing the Department will be required to submit a Court Report (aka Dispo Report) to the Court.⁸⁵ The social worker assigned will meet with the family and gather information to include in their report. The report must contain: a social history, a recommended plan (based on the investigation, and using the least restrictive means possible, while ensuring the safety of the child), a description of services recommended and who will provide and coordinate those services, objectives of the plan (behavioral changes, skill development etc.), a plan for the child’s education, and a statement of both availability of, as well as funding available to provide for, the proposed services.⁸⁶

The report will also recommend a placement option for the child.⁸⁷ If an out of home placement is recommended, then the Department must provide a Permanency Plan, a recommendation as to child support, and specific information detailing why placement in the home is contrary to the child’s welfare.⁸⁸ If the child has siblings in out of home care, then there must be additional information provided detailing how the siblings will get to see each other (are they placed together? Do they get to see each other during parent visits?) or if they are unable to see each other, why that is.⁸⁹ (For example if one child sexually assaulted a sibling, those siblings may be prevented from having contact for a period of time.)

Dispositional hearings (dispo hearings) must be conducted to determine the proper disposition (outcome) of a CHIPS case.⁹⁰ The hearings may be evidentiary, but are typically just done with arguments.⁹¹ If the Department is requesting placement outside the home they must present evidence showing that placement in the home is contrary to welfare, that the Department has made reasonable efforts to prevent removal, that the Department has made reasonable efforts to further the goal of any permanency plan in the case, and additional information about sibling interactions including reasonable efforts to locate a placement where a sibling group could remain together.⁹² Parents will be asked to provide the name of three relatives (or like kin individuals) whom they wish for the Court to consider as placement (normally this information is gathered by the Department shortly after TPC).⁹³ At the conclusion of the hearing the Court must enter a Dispositional Order.⁹⁴

The Court can order any number of dispositions in CHIPS cases.⁹⁵ The court can: counsel the family from the bench; place the child under supervision of the Department with conditions including rules for the child's conduct; place the child in home with specific services and assistance "which may include individual, family, or group counseling, homemaker or parent aide services, respite care, housing assistance, child care, parent skills training, or prenatal development training or education."⁹⁶ The court can place the child either in a parent's home or outside of a parent's home.⁹⁷ These placements could be with family, in a hospital setting, in foster care, a group home, independent living, or with family friends (like-kin).⁹⁸ Each of these placements require a different showing of information, and are extremely fact-specific.⁹⁹

The Dispositional Order must be in writing, and a copy must be provided to the parents and children over the age of twelve.¹⁰⁰ For children who are placed outside of the home the Dispositional Order must also contain conditions of return (or conditions of supervision, recommendations for reunification – different counties call them different things) and termination of parental rights warnings.¹⁰¹ The court may set reasonable rules for parental visitation in its Dispositional Orders.¹⁰²

Dispositional orders can be changed if a party requests a revision and there is either an agreement to the revision or after a hearing the court orders a revision.¹⁰³ If a hearing is held notice must be sent and any party may present relevant evidence.¹⁰⁴ The placement resource (foster parent, relative, etc.) has a right to make a statement.¹⁰⁵ Dispositional orders may also be extended, after a hearing.¹⁰⁶

QUICK TIPS:

- If a parent has specific things that they need help with, they should ask for that help at Dispo. Once Dispo occurs the focus shifts to safely achieving permanency. This may mean different from the "standard" orders or services are needed.
- The parent is ordered to work on meeting specific conditions of return and the Department is ordered to make reasonable efforts to assist parents in meeting those conditions (to achieve reunification). These efforts include helping parents find and receive appropriate services.
- There is an order to who speaks and when. Do not interrupt.
- This hearing will be to a Judge. It is extra important to be respectful and follow the court's rules about attire.

PERMANENCY PLANNING

Soon after removal (within 60 days)¹⁰⁷ the Department must create a Permanency Plan – a way to get the child to permanence (a forever home). If the child is over fourteen, the child must be consulted about the permanency plan.¹⁰⁸ In my experience, it is often the practice of the Department to run dual permanency goals from the start.¹⁰⁹

A Permanency Plan (Perm Plan) must contain a lot of very specific information that is provided in the statutes.¹¹⁰ The Perm Plan is basically a report, to detail how the child is doing, how the parents are doing, the progress towards reunification, and the plan to get the child to permanence. The plan must contain the basis for removal, why a fit and willing relative was not available, information about sibling contact, and why the child is placed where they are.¹¹¹ There needs to be a plan for ensuring the child's safety, and a description of what services were considered and what services were provided to the family; as well as what services will be provided moving forward.¹¹²

What is often discussed at a perm plan hearing is the goal of the permanency plan. The perm plan will usually contain a concurrent permanency goal.¹¹³ The goals will be 1) reunification, 2) adoption, 3) guardianship, 4) placement with a fit and willing relative, and/or 5) other planned permanent living arrangement (OPPLA).¹¹⁴ When there is a concurrent goal both goals run parallel to each other, there is no primary or secondary goal.¹¹⁵ Reunification is the return of the children to their parents' home.¹¹⁶ Adoption involves terminating the parent's parental rights and the child being legally adopted.¹¹⁷ Guardianship and placement with a fit and willing relative do not terminate a parent's rights, but it does end their custody (decision making) and placement time with the child, because the child will live with a guardian full time.¹¹⁸ For some teenagers, OPPLA becomes a goal, and the child essentially ages out of care.¹¹⁹ Each of these goals (if met) achieve case closure.

Within the perm plan document itself is a lot of information that (sometimes) parents claim to have not been provided, so it is important to review the perm plan and make note of all the information in it (child's school information,¹²⁰ doctor information,¹²¹ placement history, etc.).¹²² Also contained within the plan are conditions of return.¹²³

Counties handle perm plan reviews in different ways. Every six months the perm plan must be reviewed.¹²⁴ On the 6, 18, 30, 42 etc. month marks the case may be reviewed by the Court, a Court Commissioner, or a panel.¹²⁵ At each of the twelve month intervals the Perm Plan must be reviewed by the Court (a judge).¹²⁶ The presiding official(s) shall determine the continuing necessity of the out of home placement, the extent of compliance with the plan, extent of efforts provided, progress towards eliminating need for out of home placement, likely date of reunification (this is often the next review date), appropriateness of the proposed goals (based on the standards in the statute), findings related to the duration of the out of home placement (15/22 months triggers statutory presumptions relating to the unlikelihood of reunification), sibling contact, and ICWA findings.¹²⁷

CASE CLOSURE

CHIPS cases are closed in one of four ways; reunification, adoption, guardianship, or aging out.¹²⁸ With the exception of aging out, each of these options is a way for the child to achieve permanence; once permanence is achieved the Dispositional Order can be terminated.

Reunification is when a child is returned to the home of at least one parent. The family court order is modified by the juvenile court to close the case.¹²⁹ This order can provide for custody, placement, support, and delegation of expense responsibilities.¹³⁰ If the case closure request is contested there can be an evidentiary hearing on the case closure order.¹³¹

Another possible avenue for case closure is by the child being adopted following a termination of parental rights.¹³² A termination of parental rights (TPR) is a case to end a person's parental rights, making the child available for adoption.¹³³ Parents are warned that when a CHIPS case occurs, and when a child has been placed outside of the home, there may be grounds (reasons) to terminate a parent's rights, and those "TPR Warnings" are given several times throughout the CHIPS case.¹³⁴ A TPR is a separate court case which occurs in two phases.¹³⁵ The first is an evidentiary hearing (which may be a jury trial) to determine if there are grounds (reasons) to terminate a parent's rights.¹³⁶ The second phase commences after grounds are found, and is to determine if it is in the child's best interest to terminate their parent's parental rights.¹³⁷ If the TPR is granted, then after the appellate window is closed (or the appeal is completed), the adoption case will commence. The adoption creates a new family.¹³⁸

A third option for permanence is a guardianship.¹³⁹ Guardianships leave a parent's rights intact, but they shift the rights and obligations from birth parents to the guardian.¹⁴⁰ Guardianships can be terminated upon a showing that the parent is fit, willing, and able to be a guardian and that the guardianship is in the child's best interests.¹⁴¹

Another option for case closure involves the child aging out of care. This may involve a goal of OPPLA, other planned permanent living arrangement.¹⁴² The child may be in a supervised living situation, which helps them learn how to live independently with some oversight by responsible adults and strict rules for living in the program.¹⁴³

OTHER ISSUES: CHANGE IN PLACEMENT

Changes in placement may be requested by the Department, District Attorney or Corporation Counsel.¹⁴⁴ This is typically done by filing a notice of change in placement ten days prior to the proposed placement change.¹⁴⁵ The contents of the notice vary depending on what the proposed placement is.¹⁴⁶ If no objection to the proposed placement change is received, then the Court signs an order approving the change in placement.¹⁴⁷ If an emergency condition necessitates the immediate change in placement, the Department, District Attorney, or Corporation Counsel can file notice of an emergency change in placement within forty-eight hours of the change.¹⁴⁸

The child through their Attorney, the child's GAL, or a Parent may also request a change in placement.¹⁴⁹ If the proposed change in placement removes the child from the home of a parent, the moving party must ensure the request contains information to show that continued placement in home is contrary to welfare and reasonable efforts to prevent removal were made.¹⁵⁰ A hearing is required prior to any change in placement if there is new information available that "affects the advisability of the current placement" absent written waivers of objection.¹⁵¹ The hearing must be scheduled with at least three days' notice to the parent, child, attorneys for parent/child, GAL, any foster parent / custodian, and the Department.¹⁵² The Court must make its findings specific to the facts in each case.

Any person who receives notice to the change in placement may file an objection within ten days after the notice is sent.¹⁵³ Foster parents have a right to participate and present evidence at hearings that involve "the placement and care" of a child in their household.¹⁵⁴ When a court is determining placement of a child outside of the home, the best interests of the child is an appropriate consideration.¹⁵⁵

OTHER ISSUES: PATERNITY

If a man is provided notice, appears at a hearing, but does not allege that he is dad, the Court *may* still refer the matter to the child support agency for a determination.¹⁵⁶ However; if a man is provided notice and comes to court, and says he wants to establish paternity, the Court *shall* refer the matter to the child support enforcement attorney or agency to decide if a paternity case should be brought.¹⁵⁷ The paternity action is given priority, and genetic testing and the general paternity family court procedures are followed to make an adjudication (make alleged dad who is confirmed to be bio-dad the legal dad).¹⁵⁸

OTHER ISSUES: PAYMENT

Transfer of custody and placement does not eliminate a parent's duty to provide financial support for the child.¹⁵⁹ The Department must bill the parent "up to" any amount of liability not paid by insurance, or other third-party benefits, subject to a parent's ability to pay (as determined by statutory formulas).¹⁶⁰ The Court may modify these payments at the request of a parent.¹⁶¹ To make the modification the court must find (by the greater weight of credible evidence) that using the statutory formula based amount is unfair to the child or to the parent(s) while considering 1) the child's needs, the physical, mental, and emotional health needs of the child (including health insurance cost paid for by a parent), standard of living, financial resources of parent, parent's earning capacity, need of the child for education (including higher education), age of the child, financial resources of the child, needs of others that the parents are legally obligated to support, the child's best interests, and any other relevant factor.¹⁶²

A parent can be ordered to pay for the court-ordered alcohol and drug abuse services, even when their insurance does not cover the services.¹⁶³ If payment from a parent is unattainable, there are other payment options that may be available (usually the County pays the bill).¹⁶⁴ Additional special treatment or care may also be collected directly from the parents, or where that is unattainable, from the county of venue.¹⁶⁵

1. I didn't do anything wrong, I wasn't even there, why did the department take my child?

In a CHIPS case, there does not need to be a bad guy, there doesn't need to be any specific wrongdoer. It doesn't matter WHO hurt your child – what matters is on that day, at that time, your child was hurt. Depending on the facts and circumstances it may be advisable for the “not-at-fault” parent to cooperate with the Department fully, request services and assessments, open their home for inspection, and otherwise get a “jump start” on likely conditions to speed up the reunification process and demonstrate their protective capacities and appropriateness.

2. I didn't do anything wrong, why are they making me do anything? Just give me my child!

While this argument can be explored depending on the facts and circumstances of any specific case, the general answer is that the Department must error on the side of caution. The only thing worse than removing a child is removing a child twice. So, they must be confident that the parent being reunified with the child is fit and proper.

3. I'm too nervous to talk in court. What can I do?

It is extremely common to get nervous before court. (Even lawyers get nervous, with some trial attorneys saying after years of practice they still vomit before every jury trial.) One idea is to write a statement. You can read it to the Court, or you can make copies (enough for everyone) and file it. If you are going to do this, then file the statement at least two days before the hearing (if possible). Remember to be respectful.

If there are issues with communication, or you do not feel like you are receiving appropriate services – explain what you mean without accusing. For example: Perm Plan report says Dad missed 8 appointments (for whatever). This will naturally upset the Court, and make the Court believe Dad is not taking things seriously. Instead of Dad just saying – I'm trying – Dad could explain the difficulties he is having and the reasons behind them. (Bus schedules, conflicting appointments, time management, etc.) Dad may also wish to provide a schedule of what his days look like, to help show he is trying. Make no mistake, you will be expected to move mountains for your children; and often excuses are not accepted, but context – given in respectful, clear, timely ways can be helpful.

4. Why do they keep talking about TPR? And What is this clock they are talking about?

When a child is removed from the home, a “clock” starts ticking. After a child is outside of the home for fifteen of the most recent twenty-two months there is a presumption that the parent

will not meet their conditions of return, and the law shifts towards favoring a TPR being filed. Depending on the jurisdiction TPR warnings are read frequently to emphasize the importance of meeting your conditions of return. Another way to think of this: *When an adult is told to wait ten minutes, we go okay and wait. Ten minutes is not ideal but it's not a huge inconvenience. But when you ask a five-year-old to wait ten minutes, it seems like an eternity. Yet it is for the same ten minutes. The difference is that at (adult age) years old, we have had a lot more ten minutes, we have a perspective on it. A child does not. Now take a child from their home, for eighteen months...*¹⁶⁷

5. I've met my conditions; I've checked all the boxes. Can I have my child back?

It depends. The biggest thing to remember is that Conditions of Return are not a checklist. Although they certainly feel like a checklist. You must be able to show that you have met all the conditions and are *demonstrating* the skills learned by meeting those conditions. For example – you had a condition that was provide for the financial needs of the child, you must stay current on your child support obligation, and when you come to visits bring snacks, games, be ready to parent. You had a condition that said participate in a parenting course and demonstrate an understanding of what you learned. Maybe during one of your visits a child needs to be redirected, you could use one of the techniques you learned in class. Or perhaps a child is overwhelmed – you could use a calming technique you learned in therapy. Showing the workers (especially during your visits) that you can parent appropriately is crucial. Another important thing to remember is sometimes your children are not ready for reunification. There are situations where children have been particularly traumatized and simply are not able to be reunified yet, even though you are ready. Being mindful of your child's needs, and what therapies and programs are available for them, encouraging them in their recovery will be crucial in achieving reunification and helping your child heal.

6. Why is the social worker calling this a race?

The Department only needs to reunify the child with one parent to close the case. Both parents receive conditions, and if one parent is able to meet their conditions (and demonstrate an understanding of their conditions) the Department can reunify with that parent. The case will be closed with a family court order providing for custody and placement with the parent who met their conditions. This leaves the parent who “lost the race” with a family court order that

is difficult to modify for at least two years. In some respects, the parent who takes the case the most seriously, who works to meet their conditions etc., wins the “race” to reunification.

7. My social worker “never” returns my calls or answers my questions. What can I do?

Document it. The social worker is documenting every effort they’ve made to communicate with you and assist you. There are notes related to each contact they have made, attempted to make, and the outcome. One way to document things is to keep a notebook – called worker X on February 2, 2025, at 9:00 am left message, emailed worker on February 3, 2025, at noon re: visitation. If your worker really isn’t answering your calls or questions, you can contact their supervisor and ask for a review. The Court cannot change your worker.

8. What is the first step? What can I do to start “fixing” this, to get my kids back?

If you are going to plead no contest, or admit, then there is (typically) no harm in requesting services right away. If the child was removed because of drugs, ask for an alcohol or drug assessment (AODA). If the child was removed because of abuse, ask for a mental health evaluation. The waitlists for these tests are significant, so get on the list sooner rather than later. If you can only do one thing, focus on not missing visits. If you can do two things, focus on not missing visits and your sobriety. Add from there. Remember as much as these “conditions” feel like hurdles, they come with tools to help you. Learn to use the tools and resources you are given. The most important thing a parent can do during this time is to be consistent. Consistently make visits and appointments. Consistently be employed. Consistently be sober. Consistency is key.

ENDNOTES

- ¹ 140 Wis. II-Criminal, (Jan. 2024), <https://wilawlibrary.gov/jury/files/criminal/0140.pdf>
- ² Wis. Stat. §48.31, *In the Interest of Lauran F.*, 194 Wis. 2d 282 (1995).
- ³ CORNELL LAW SCHOOL: LEGAL INFORMATION INSTITUTE, *beyond a reasonable doubt*, (May 2020), https://www.law.cornell.edu/wex/beyond_a_reasonable_doubt.
- ⁴ Wis. Stat. §48.13
- ⁵ WIS. DEP'T OF CHILD. & FAM., *Wis. Child Prot. Serv. (CPS) Process*, <https://dcf.wisconsin.gov/cps/process>
- ⁶ *Adoptive Couple v. Baby Girl*, 570 U.S. 637, 133 S. Ct. 2552, 186 L. Ed. 2d 729 (2013).
- ⁷ WIS. DEP'T OF CHILD. & FAM., *Access and Initial Assessment Info.*, <https://dcf.wisconsin.gov/cwportal/access-ia>
- ⁸ *Id.*
- ⁹ Wis. Stat. §48.09
- ¹⁰ Wis. Stat. §48.235
- ¹¹ *ReMoved* (Nathanael & Christina Matanick Mar 11, 2014) <https://youtu.be/IOeQUwdAjE0>
- ¹² Wis. Stat. §48.357(2r)
- ¹³ WIS. DEP'T OF CHILD. & FAM., *Present Danger Threats to Child Safety: Definitions & Examples*, <https://dcf.wisconsin.gov/files/familyfirst/present-danger.pdf>
- ¹⁴ WIS. DEP'T OF CHILD. & FAM., *Child Protective Services Appeal Process*, <https://dcf.wisconsin.gov/cps/appeal>
- ¹⁵ Wis. Stat. §48.217
- ¹⁶ Wis. Stat. §48.217
- ¹⁷ *In Int. of Brandon S.S.*, 179 Wis. 2d 114, 143, 507 N.W. 2d. 94, 104-05 (1993).
- ¹⁸ Wis. Stat. §48.19(1)(d)5
- ¹⁹ *Id.*
- ²⁰ Wis. Stat. §48.19(2).
- ²¹ *Id.*
- ²² Wis. Stat. §48.205(1)
- ²³ *Id.*
- ²⁴ Wis. Stat. §48.207(1)
- ²⁵ Wis. Stat. §§48.208, 209
- ²⁶ Wis. Stat. §48.195
- ²⁷ *Id.*
- ²⁸ Wis. Stat. §48.195(2)
- ²⁹ Wis. Stat. §48.21(1), *Curtis W. v. State*, 192 Wis. 2d 719, 531 N.W.2d 633 (Ct. App. 1995).
- ³⁰ Wis. Stat. §48.21(b) – *In my experience, most counties file the Petition on the same day as TPC, some request an additional 72 hours for filing and set the matter over for plea hearing (depending on the County this hearing may be in 3 or 30 days).*
- ³¹ Wis. Stat. §48.21(3)(b).
- ³² Wis. Stat. §48.21(3)(d)
- ³³ Wis. Stat. §48.21(3)(f)
- ³⁴ Wis. Stat. §§48.21(4), 48.205, 48.299(4)(b) *hearsay is admissible with demonstrable circumstantial guarantees of trustworthiness*
- ³⁵ Wis. Stat. §48.21(4)
- ³⁶ Wis. Stat. §48.21(4)(a)
- ³⁷ Wis. Stat. §48.21(5)
- ³⁸ Wis. Stat. §48.255
- ³⁹ Wis. Stat. §48.255(1)
- ⁴⁰ *Id.*
- ⁴¹ Wis. Stat. §48.255(4)
- ⁴² Wis. Stat. §48.30
- ⁴³ Wis. Stat. §48.29
- ⁴⁴ Wis. Stat. §48.424
- ⁴⁵ Wis. Stat. §48.23(5)
- ⁴⁶ Wis. Stat. §48.23(1m)
- ⁴⁷ Wis. Stat. §48.23(3m)
- ⁴⁸ *Id.*
- ⁴⁹ Wis. Stat. §48.23(2g)
- ⁵⁰ Wis. Stat. §48.23(3)
- ⁵¹ Wis. Stat. §§48.23(4),(5)
- ⁵² Wis. Stat. §48.23(4)
- ⁵³ *Id.*
- ⁵⁴ *See* Wis. Stat. §48.233 (*Pilot program not extended.*)
- ⁵⁵ Wis. Stat. §48.30
- ⁵⁶ *Id.*
- ⁵⁷ *Id.*
- ⁵⁸ *Id.*
- ⁵⁹ *Id.*
- ⁶⁰ *Id.*
- ⁶¹ Wis. Stat. §48.293
- ⁶² *Id.*
- ⁶³ Wis. Stat. §48.297(1)

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- ⁶⁴ Wis. Stat. §48.297(2)
- ⁶⁵ Wis. Stat. §48.297
- ⁶⁶ Wis. Stat. §804.01(2)(d).
- ⁶⁷ Wis. Stat. §804.01(2), *See. In re Termination of Parental Rts. to Alexander V.*, 2004 WI 47, ¶ 4, 271 Wis. 2d 1, 7, 678 N.W.2d 856, 858–59.
- ⁶⁸ WIS. ST. L. LIAB., *Wisconsin Children's Jury Instructions*, <https://wilawlibrary.gov/jury/children>.
- ⁶⁹ *See. Matter of Commitment of C.J.A.*, 2022 WI App 36, ¶ 18, 404 Wis. 2d 1, 14, 978 N.W.2d 493, 499.
- ⁷⁰ Wis. Stat. §48.32
- ⁷¹ *Id.*
- ⁷² *Id.*
- ⁷³ Wis. Stat. §48.32(3).
- ⁷⁴ Wis. Stat. §48.32
- ⁷⁵ Wis. Stat. §48.31(1)
- ⁷⁶ Wis. Stat. §48.31(2)
- ⁷⁷ Wis. Stat. §48.31(4)
- ⁷⁸ Wis. Stat. Ch. 901-911
- ⁷⁹ *State v. Gregory L.S.*, 2002 WI App 101, 253 Wis.2d. 563, 643 N.W.2d. 890.
- ⁸⁰ Wis. JI-Children 215
- ⁸¹ *Id.*
- ⁸² Wis. Stat. §48.31(2)
- ⁸³ Wis. Stat. §48.355
- ⁸⁴ Wis. Stat. §48.31(7)(a)
- ⁸⁵ Wis. Stat. §48.33
- ⁸⁶ Wis. Stat. §48.33(1)
- ⁸⁷ Wis. Stat. §48.33(4)
- ⁸⁸ *Id.*
- ⁸⁹ Wis. Stat. §48.33(4)(d)
- ⁹⁰ Wis. Stat. §48.335(1)
- ⁹¹ Wis. Stat. §48.335(3)
- ⁹² Wis. Stat. §48.335(3g)
- ⁹³ Wis. Stat. §48.335(6)
- ⁹⁴ Wis. Stat. §48.335(5)
- ⁹⁵ Wis. Stat. §48.345
- ⁹⁶ *Id.*
- ⁹⁷ *Id.*
- ⁹⁸ *Id.*
- ⁹⁹ *Id.*
- ¹⁰⁰ Wis. Stat. §48.355(2)
- ¹⁰¹ Wis. Stat. §48.355(2)(b)
- ¹⁰² Wis. Stat. §48.355(3), §48.356(1)
- ¹⁰³ Wis. Stat. §48.363
- ¹⁰⁴ Wis. Stat. §48.363(1m)
- ¹⁰⁵ Wis. Stat. §48.363(1m)
- ¹⁰⁶ Wis. Stat. §48.365
- ¹⁰⁷ Wis. Stat. §48.38(3)
- ¹⁰⁸ Wis. Stat. §48.38(2)
- ¹⁰⁹ CHILD WELFARE INFORMATION GATEWAY, *Concurrent Planning for Timely Permanency for Children – Wis.* (August 2021), www.childwelfare.gov/resources/concurrent-planning-timely-permanency-children-wisconsin/
- ¹¹⁰ Wis. Stat. §48.38(4)
- ¹¹¹ Wis. Stat. §48.38(4)
- ¹¹² Wis. Stat. §§48.38(4)(e), (f)
- ¹¹³ Wis. Stat. §48.38(4)(fg)
- ¹¹⁴ Wis. Stat. §48.38(4)(fg)
- ¹¹⁵ Wis. Stat. §48.355(2b)
- ¹¹⁶ *See.* Wis. Stat. §48.01(a)
- ¹¹⁷ Wis. Stat. §§48.38, 48.415
- ¹¹⁸ Wis. Stat. §§48.38, 48.977
- ¹¹⁹ Wis. Stat. §48.38
- ¹²⁰ Wis. Stat. §§48.38(4)(dm), (dg)
- ¹²¹ Wis. Stat. §48.38(4)(dr)
- ¹²² Wis. Stat. §48.38(4)
- ¹²³ Wis. Stat. §48.38(4)(g)
- ¹²⁴ Wis. Stat. §48.28(5)(a)
- ¹²⁵ *Id.*
- ¹²⁶ Wis. Stat. §48.28(5m)
- ¹²⁷ Wis. Stat. §48.357(5)
- ¹²⁸ Wis. Stat. §§48.363, 48.38
- ¹²⁹ Wis. Stat. §48.355(4g)
- ¹³⁰ Wis. Stat. §48.355(4g)(a)
- ¹³¹ Wis. Stat. §48.355(4g)(d)
- ¹³² Wis. Stat. §48.40(2)

¹³³ Wis. Stat. §48.40(2)
¹³⁴ Wis. Stat. §48.356
¹³⁵ Wis. Stat. §48.42
¹³⁶ Wis. Stat. §48.415
¹³⁷ Wis. Stat. §48.427
¹³⁸ Wis. Stat. §48.92
¹³⁹ Wis. Stat. §§48.38(4)(fg), 48.977
¹⁴⁰ Wis. Stat. §§48.38(4)(fg), 48.977, 48.9795
¹⁴¹ Wis. Stat. §§48.38(4)(fg), 48.977(7), 48.9795(11)
¹⁴² Wis. Stat. §48.38(4)(fg)
¹⁴³ *Id.*
¹⁴⁴ Wis. Stat. §48.357(1)
¹⁴⁵ *Id.*
¹⁴⁶ *Id.*
¹⁴⁷ *Id.*
¹⁴⁸ Wis. Stat. §48.357(2)(a)1
¹⁴⁹ Wis. Stat. §48.357(2m)
¹⁵⁰ Wis. Stat. §48.357(2m)(a)1
¹⁵¹ Wis. Stat. §48.357(2m)(b)
¹⁵² *Id.*
¹⁵³ Wis. Stat. §48.357(1)(am)2
¹⁵⁴ Wis. Stat. §48.64(4)(c); *Bingenheimer v. Wisconsin Dep't of Health and Soc. Servs.*, 129 Wis. 2d 100, 383 N.W.2d 898 (1986); *In re Caryn A.-G.*, 228 Wis. 2d 658, 661, 599 N.W. 2d 90, (Ct. App. 1999).
¹⁵⁵ *In re Guardianship of Elizabeth M.H.* 2014 WI App 123, ¶150, 350 Wis. 2d 204, 227, 857 N.W.2d 432, 443.
¹⁵⁶ Wis. Stat. §48.299(7)
¹⁵⁷ Wis. Stat. §48.299(6)(a)
¹⁵⁸ Wis. Stat. §§48.299(6)(b), (c), (d)
¹⁵⁹ Wis. Stat. §48.38(1)(a)
¹⁶⁰ Wis. Stat. §48.345(14)(a)
¹⁶¹ Wis. Stat. §48.345(14)(c)
¹⁶² Wis. Stat. §48.345(14)(c)
¹⁶³ Wis. Stat. §48.361(2)(a)1
¹⁶⁴ Wis. Stat. §48.361(2)(am)
¹⁶⁵ Wis. Stat. §48.362.
¹⁶⁶ This Q&A is not designed to be legal advice; the answers here are generalized and may not apply to your specific set of facts. If you feel like something isn't right with your case, ask for a lawyer.
¹⁶⁷ Adapted from a speech often given by Judge Jason Rossell (Kenosha County Branch 2, Chief Judge Wisconsin Judicial District 2) in various trainings that I have attended over the years.

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This Guide, together with lengthy appendices (A-O) and a paper on the need for meaningful representation served as my thesis when I obtained my Master of Laws (LLM) from Loyola in 2025.