

In the Interest of:

TERMINATION OF PARENTAL RIGHTS
PLEA QUESTIONNAIRE/ WAIVER OF
GROUNDS PHASE TRIAL RIGHTS

Name

Date of Birth

Case No. _____ -TP- _____

A Child Under the Age of 18 Years.

I, _____ (insert name), am the:

 mother of the above-named child. father of the above-named child.

My current address is: _____

I hereby enter a/an admission no contest plea to the facts as contained within the Termination of Parental Rights petition filed in this matter.

By entering an admission or no contest plea to the petition, I am aware of the following elements of the statute(s) to which I am entering my plea and I have reviewed them with my attorney:

 A copy of the jury instructions for the grounds alleged in the petition are attached.

NOTE: If a blank appears in the left margin, initial it to if you understand the statement and agree that the statement is true.

____ 1. I am ____ years old. I completed ____ years of schooling.

____ 2. I am the legal parent of the above-named child.

____ 3. I can cannot read, write and understand the English language.

____ 4. I have read or had read to me the petition in this case and understand the nature of the acts alleged and potential dispositions.

____ 5. I have have not received treatment in the past for mental or emotional problems. Explain affirmative answer: _____

____ 6. I have have not consumed any alcohol or other intoxicants within the last 24 hours.____ 7. I have have not taken any medications or drugs within the last 24 hours. Explain affirmative answer: _____

- ___ 8. No threats or promises have been made to me in connection with this case.
- ___ 9. I understand the reason I am in court today.
- ___ 10. I understand that, if the termination of my parental rights is granted:
- ___ a. It will end all relationship between myself and the above-named child;
 - ___ b. I will no longer have any rights of visitation;
 - ___ c. I will have no say in how this child is raised;
 - ___ d. I will not be apprised of the child's development and progress in the future;
 - ___ e. I will not inherit from this child and the child will not inherit from me;
 - ___ f. I will have no guardianship powers;
 - ___ g. I will have no say in who adopts this child;
 - ___ h. I will not be able to make any decisions regarding the child's life (i.e. religion, education, health);
 - ___ i. My relatives have no right to contact or visit with this child.
 - ___ j. If any promises have been made to me regarding continued communication or contact with my child by the prospective adoptive parents, such promises are not legally enforceable.
 - ___ k. All my rights, powers, privileges, immunities, duties and obligations to my child will permanently end.
- ___ 11. I agree that there are enough facts in the petition for the jury/court to find that there are grounds to terminate my parental rights to the above named child, and I do not object to the judge doing so on the basis of testimony and evidence presented to the court that I will not dispute or contest.
- ___ 12. I understand that, if the court accepts the admission/no contest plea, the court will find me to be an unfit parent. (§48.424(4), Wis. Stats.)
- ___ 13. I understand that, if the court accepts admission/no contest plea of all parties, my parental rights to the above-named child could be terminated at the dispositional hearing. I further understand that at the dispositional hearing the court will grant or dismiss the TPR petition based solely on what is in the best interests of my child.
- ___ 14. I understand that the judge COULD impose any disposition authorized under the law. (§48.427, Wis. Stats.) These may include:
- ___ a. Dismissal of the petition;
 - ___ b. An order terminating my parental rights;

- _____ c. Transferring guardianship and custody to:
 - 1. the State of Wisconsin Department of Children and Families;
 - 2. a child welfare agency licensed under §48.61(5) to accept guardianship;
 - 3. a county department authorized to accept guardianship under §48.57(1)(e) or (hm);
 - 4. a relative with whom the child resides if the relative has filed a petition to adopt the child or if the relative is a kinship care relative;
 - 5. or to an individual who has been appointed the guardian of the child by a court of foreign jurisdiction;
 - _____ d. Transferring guardianship to one of the agencies as listed in (c) above and custody of the child to an individual in whose home the child has resided for at least 12 consecutive months immediately prior to the termination of parental rights or to a relative;
 - _____ e. An order placing the child in sustaining care under §48.428, Stats.
- _____ 15. I understand that by entering an admission/no contest plea to the allegations in the petition, I waive, or give up, my rights to object to the state's use of any statements I have made to law enforcement officers or to social service personnel against me.
- _____ 16. I UNDERSTAND THAT, BY ENTERING AN ADMISSION/NO CONTEST PLEA, I AM WAIVING, OR GIVING UP, THE FOLLOWING STATUTORY AND CONSTITUTIONAL RIGHTS THAT I HAVE:
- _____ a. To remain silent, although my silence may be relevant to these proceedings.
 - _____ b. To confront and cross-examine any witnesses who appear in the case.
 - _____ c. To a jury trial in the grounds phase of this case. I understand that, if all parties enter no contest pleas or admit to the allegations in the petition and such pleas are accepted by the court, there will be no jury trial.
 - _____ d. To present evidence on my own behalf and to require witnesses to come to court and testify for me even if they do not want to come to court.
 - _____ e. To require the State to prove each part/element of the statute contained within the petition to establish grounds.
 - _____ f. To require the state to prove in the grounds phase of this case the allegations of the petition by evidence which is clear, satisfactory and convincing and that 10 of the 12 jury members must agree on the verdict before it will be accepted by the court.
- _____ 17. I hereby waive my right to a substitution of judge.
- _____ 18. I believe I fully understand what termination of parental rights means.
- _____ 19. I do not wish for more time to decide whether or not to enter an admission/no contest plea to the petition.

____ 20. I understand that by entering an admission or no contest plea in the grounds phase I am not agreeing that my parental rights should be terminated. But I am keeping my right to oppose the termination of my parental rights only at the dispositional/best interests phase of the case and the only issue at that phase is whether it is or is not in the best interest of my child to terminate parental rights.

21. Select One:

a. I have an attorney.

____ i. I have discussed this case and all matters mentioned in this questionnaire with my attorney.

____ ii. I am satisfied with the representation I have received from my attorney.

I am not satisfied with my attorney (Explain):

b. I do not have an attorney.

____ i. I hereby waive my right to an attorney for this hearing.

____ ii. As a parent in this case, I am aware that I am entitled to be represented by an attorney.

____ iii. I understand that an attorney may discover defenses or mitigating circumstances which may not be known to me.

PARENT'S ACKNOWLEDGEMENT

I have read, or have had read to me, this entire questionnaire, and I understand its contents. Upon completing each item, I am indicating that I understand it. I enter this admission or no contest plea freely, voluntarily, and without any threats being made against me.

Parent Signature

Date

ATTORNEY'S ACKNOWLEDGEMENT

I, _____, hereby state that I am the attorney for the above-named parent in this action; that I have personally read, discussed and explained the contents of this questionnaire to my client; that I have observed my client sign and date this questionnaire; and that I believe that my client understands each item in this questionnaire, the nature of the allegations which form the basis for the petition, the legal consequences of his/her admission/no contest plea and enters the admission/no contest plea freely and voluntarily.

Attorney Signature

Date