

Grounds for Involuntary Termination of Parental Rights

Termination of parental rights (TPR) is a serious legal action that permanently ends the legal relationship between a parent and a child. Once the relationship has been terminated, the child is legally free to be placed for adoption with the objective of securing a more stable, permanent family environment that can meet the child's long term parenting needs.

In Wisconsin, there are different legal reasons that can lead to a parent losing their rights to their child. However, establishing one or more of these reasons is not enough by itself to get an order terminating parental rights. The court must also find that termination is in the best interests of the child.

1. **Abandonment**

1. You haven't visited or communicated with your child for 6 months or longer after leaving your child with someone else;
2. You haven't visited or communicated with your child for 3 months or longer after your child was placed outside the home by court order;
3. You left your child without any way to care for themselves and neither parent has been found for 60 days
4. You left your child without any way to care for themselves in a place or manner that exposed your child to a great risk of physical harm or death
5. When your child was under 1 years old, you abandoned them such that a court found your child to be in need of protection or services.

2. **Relinquishment**

1. When your child was 72 hours old (3 days) or younger, you gave them over to a police officer, emergency medical personnel, or a hospital staff member or left them at a Safe Haven Baby Box at a hospital, fire station, or police station with no intent to return for them.

3. **Continuing Need of Protection or Services (CHIPS)**

1. Your child has been placed outside of the home by a court order for a total of 6 months or more, and you have failed to meet the conditions established for their safe return to your home, and there is a large likelihood that you will not meet those conditions within 9 months.
2. Your child has been placed outside of the home by a court order on three or more occasions, and the conditions that led to the child's placement were caused by you.

4. Continuing Parental Disability

1. You are currently , and for at least 2 of the past 5 years were, an inpatient at one or more hospitals because of mental illness, developmental disability, or other similar incapacities; the condition is likely to continue for unknown period of time; and your child is not being provided with acceptable care by a relative who has legal custody of them.

5. Continuing Denial of Periods of Physical Placement or Visitation

1. You've been denied periods of physical placement or visitation by court order for at least 1 year.

6. Child Abuse

1. Your child's health is under threat from your pattern of physically or sexually abusive behavior. This pattern can be shown by:
 1. Your felony conviction for causing death or injury to a child.
 2. A child previously being removed from your home by court order.

7. Failure to Assume Parental Responsibility

1. You have not taken on significant responsibility for the daily supervision, education, protection, and care of the child.

8. Incestuous Parenthood

1. You are related, either by blood or adoption, to your child's other parent in a degree of kinship closer than second cousin.

9. Homicide or Solicitation to Commit Homicide of Parent

1. You've been convicted of murdering, or paying someone else to murder, your child's other parent.

10. Parenthood as a Result of Sexual Assault

1. You were convicted of a rape or sexual assault that resulted in the conception of the child.

11. Commission of a Felony Against a Child

1. You were convicted of a serious felony against one of your own children.
2. You sex trafficked a child.

12. Prior Involuntary Termination of Parental Rights to Another Child

1. The court has involuntarily terminated your parental rights over a different child of yours.

Note: Discontinuation of support payments is not a valid ground for filing a TPR petition.

Conclusion

Involuntary termination of parental rights in Wisconsin is a legal action taken only under severe circumstances to protect the welfare of the child. Grounds for termination include, but are not limited to: abandonment, continuing need for protection or services, ongoing inpatient hospitalization, child abuse, and failure to assume parental responsibility.

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