

# ALTERNATIVES TO TPR

**SERIOUSLY, ANYTHING OTHER THAN TPR.**

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# BUT WHAT DOES YOUR CLIENT WANT?

- This conversation starts in your initial client meeting and needs to continue throughout the case.
- How can you achieve these goals?
- Do they actually want the children to come back home?
- Do they have any relatives in mind?
- How do they feel about the foster placement?
- What are they willing to do to get their kids back?



# WELL, WHAT ARE MY OPTIONS?

- Voluntary termination of his/her parental rights
- Stipulating to Grounds (proceed with caution!!)
- Hold Open Agreement
- Court Trial
- Jury Trial
- Visitation Agreements
- Alternative Dispositions



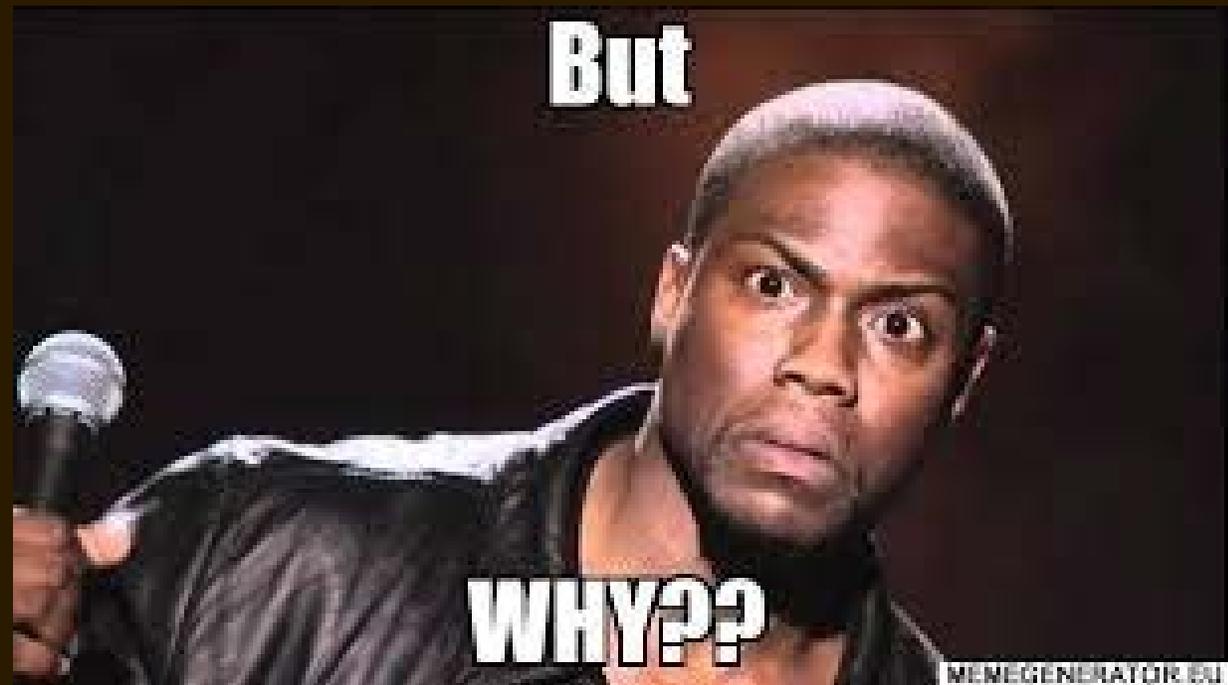
**VOLUNTARY  
TERMINATION OF  
PARENTAL RIGHTS...**



# WHEN VOLUNTARY TPR MAY BE APPROPRIATE

- Go back to your client's goals
  - ... and don't be afraid to reassess the goals
- Constantly reevaluate the new information
- Motions may change your assessment of the case
- Do not underestimate the emotional impact of the case on your client

## STIPULATION TO GROUNDS



# STIPULATING TO GROUNDS?

## **BETTER THINK THIS THROUGH**

- Stipulating to grounds will rarely be to your clients advantage.
- Because we probably won't win the trial is **NOT** a reason to stipulate to grounds.
- It's almost always better to play for the fumble.

## **ON THE FLIP SIDE**

- Is the petitioner offering a hold open agreement in exchange?
- If your client doesn't actually desire reunification but wants the other parent to get ahead without their bad facts dragging them down?
- You are working on a guardianship/relative placement



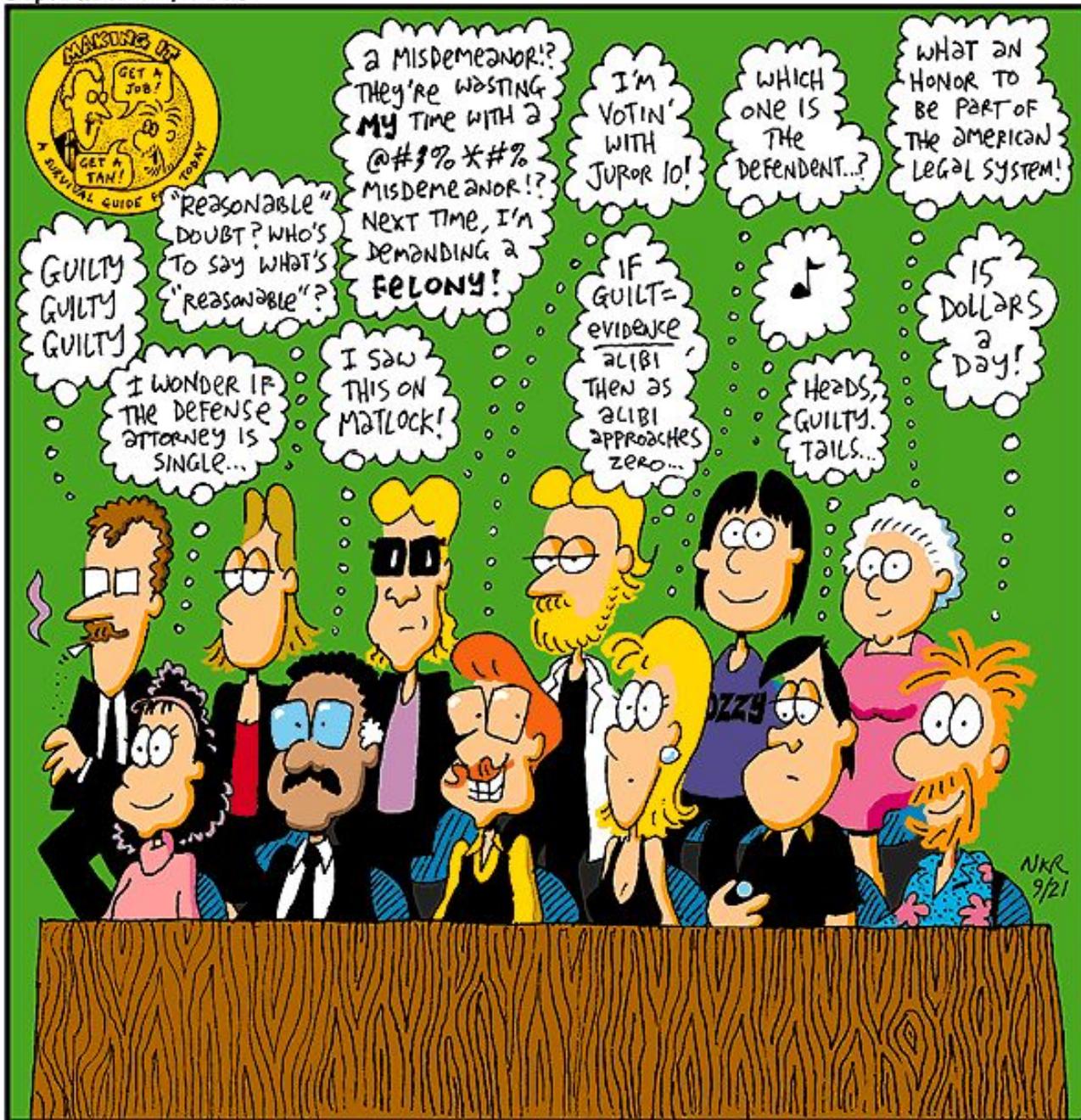
**HOLD OPEN AGREEMENT**

# HOLD OPEN FOR WHAT?

- Is there actually a chance that your client will make progress during this hold open period?



- Is this more than an empty promise?
  - What exactly is the petitioner agreeing to do?
  - What is expected of your client?
    - Beware of “behavioral change”

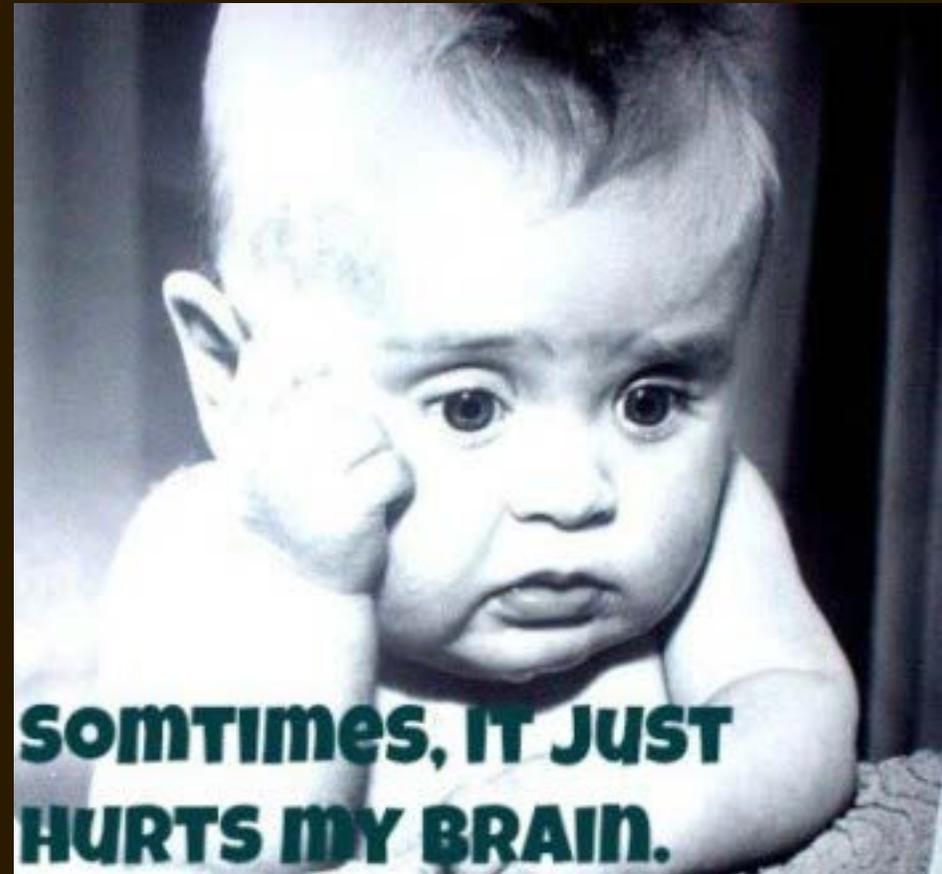


# TRIAL

## Court vs. Jury

# TRIAL OPTIONS

- Can your client handle a jury trial?
  - Strangers hearing everything
  - How many days will it last?
- Who is your judge?
  - And any pretrial rulings
- Why was/were the kid(s) removed?
- How will client come across to a jury?
- Severance?
- Consider appellate issues



**VISITATION AGREEMENT?  
MEMORANDUM OF UNDERSTANDING?**

# CAN YOU ACTUALLY AGREE?

- How have the foster parents been acting thus far?
- Is this a relative placement?
- In general – these memorandum of understandings are not enforceable, and may actually make your voluntary colloquy that much more difficult.
- Your client needs to be aware just how difficult it is going to be to potentially even enforce something if their rights are terminated.

# ANY OTHER OPTIONS?

- Guardianship
- Get this back to CHIPS!
  - Trial reunification
  - Increase those visits!
- Private TPR
  - Mediation?

**I dig, you dig, we  
dig, he dig, she  
dig, they dig....**

**It's not a  
beautiful poem,  
but it's very deep.**

**"Build 'em up,  
break 'em down."**

**-Torbjörn**

## **BUILD UP THAT CASE!!!**

**Highlight the bond your client has with the child.**

**Investigate the the foster placement like your investigate your best friend's new boyfriend.**

**Do any of the options have benefits over adoption?**