

TPR Issues Checklist¹

- Properly pleaded by petition - 48.417, 48.42
 - Specific grounds alleged - 48.415
- Service of summons/notice - 48.42
- Hearing on petition w/in 30 days - 48.422(1) *
- Substitution of judge - 48.29, 48.422(5)
- Jury demand - 48.422(4)
- Motions before trial (e.g. suppression)- 48.297
- Venue - 48.185(2)
- Counsel provided or validly waived (express or by conduct) - 48.23(2)(b)
- Discovery - Ch. 48, Ch. 804
- Severance from other parent if prejudice shown
- Visitation and contact rights - 48.42(1m)
- Admission/No-contest plea - 48.422(7)/48.422(3)
 - Colloquy errors – *Bangert* framework applies
 - If no-contest, court must take testimony
- Default - 48.23(2)(b)3
 - Court must take testimony
 - Right to counsel continues
 - Relief from judgment- e.g. if excusable neglect- 48.46(2); 806.07
- Summary judgment
- Fact-finding hearing w/in 45 days of hearing on petition - 48.422(2) *
- Stipulation to an element
- Directed verdict (partial or whole) - 805.14(4)
- Jury selection/bias - Ch. 756, Ch. 805, 48.31(2)
- Witnesses
- Hearsay
- Opinion (lay/expert)
- Improper introduction of evidence/ opinion on best interest of the child
- Closing arguments
 - Eg. facts not in evidence, best interest of the child, misstatements of law
- Jury instructions
- Verdict forms
- Sufficiency of evidence (clear and convincing evidence) – 48.31(1)
- 5/6 verdict
- Court report by agency - 48.425
- Disposition hearing w/in 45 days of fact-finding - 48.424(4) *
 - Court hears relevant testimony
 - Court considers 48.426 factors
- New evidence discovered affecting advisability of adjudication - 48.46(1)
 - Limited by adoption order
- Effective representation of counsel

¹ See Subchapter VIII (48.40-48.437). **Note:** Many different substantive and procedural requirements apply to cases involving Indian children under WICWA/ ICWA, which are not included herein.

* **Time limit that can be extended for good cause**