

## TPR admission/ no-contest plea colloquy checklist<sup>1</sup>

\_\_\_ Court ascertains the extent of the parent's education/level of general comprehension

\_\_\_ Court ascertains the parent's understanding of the allegations / the elements the petitioner would be required to prove at fact-finding hearing

\_\_\_ Court ascertains the parent's understanding of the role of the guardian ad litem and the parent's right to adversary counsel

\_\_\_ Court ascertains the parent's understanding of the rights being waived

\_\_\_ right to present evidence/ compel witness testimony

\_\_\_ right to cross-examine witnesses

\_\_\_ right to fact-finding hearing where petitioner must convince 5/6 of the jury

\_\_\_ right to make the petitioner prove by clear and convincing evidence of all of the elements of grounds alleged

\_\_\_ Court ascertains the parent's understanding that admission/plea will result in finding of unfitness

\_\_\_ Court ascertains the parent's understanding that all that will be left is the sole issue of whether TPR is in the best interest of the child

\_\_\_ Court informs the parent of the potential dispositions upon finding of unfitness

\_\_\_ Court ascertains whether any threats or promises were made to the parent

\_\_\_ Court ascertains the nature and extent of the parent's communication with the guardian ad litem, social worker, or other adviser

\_\_\_ Court establishes whether a prospective adoptive parent has been identified and orders report<sup>2</sup> if prospective adoptive parent is not a relative of the child

\_\_\_ Court finds a factual basis

\_\_\_ If no-contest plea, court also hears testimony in support of grounds

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<sup>1</sup> 48.422(3); 48.422(7); *Kenosha Cnty. Dep't of Human Serv. v. Jodie W.*, 2006 WI 93, ¶ 25, 293 Wis.2d 530, 716 N.W.2d 845 (citing *State v. Bangert*) (burden shifting scheme applies to colloquy errors).

<sup>2</sup> 48.422(7)