

Prepping for Disposition

aka "The Best Interest" Phase
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Standard & Factors & Procedures (Oh my!)

- “Best Interests” Phase
 - It’s called this because that is the standard
- Wis. Stat. § 48.426 lays out the factors
- Wis. Stat. § 48.427 lays out the procedures & ultimate dispositional options
- Much like a criminal sentencing argument...

ANYTHING GOES



Other Basics to Consider

- Timing
 - Have you had a jury trial? Court trial?
Stipulation to grounds?
- Agency or Department Court Report
 - Depends on jurisdiction

Factors from § 48.426

- Likelihood of adoption after termination
- Age & health of child
- Substantial relationships – and if legally severed would be harmful
- Wishes of the child
- Amount of time
- Stability

Preparing for Disposition



Preparing for Disposition

- Start with client's goals
- Child's placements & adoptive resources
- Other family members
- Other sources of support
- Other positive professionals
- Experts??
- Is there an alternative to termination??

Prepping Client for Disposition

- Make sure they are prepared (as much as they can be) for a termination disposition
- Bring a support system
- Appellate rights before hand

Who's Who of Witnesses

- State / County's witnesses are typically similar
 - Foster Parents / Adoptive Resources
 - statutory right to testify
 - Child's therapist
 - Ongoing Case Manager
 - Visitation Worker

Who's Who of Witnesses

- Your witnesses depend on your client's goal, but typically can include:
 - Professionals
 - Family Engagement Specialist
 - Visitation Workers
 - Prior OCMs
 - Alternative Placement Options

Burden of Proof... ?

- Some argue that there is no specific burden of proof and that “best interests” govern
- Should argue for clear and convincing evidence

