

## Filing of A Petition for Voluntary Termination of Parental Rights—Dane County

All Petitions for Termination of Parental Rights (TPR) are filed with the Court Commissioner's Center (Room 2000, Dane County Courthouse). This includes TPR petitions that are accompanied by a petition for adoption. There is no filing fee to file a TPR petition.

A TPR petition may be filed by an agency, district attorney, corporation counsel, GAL, attorney or interested person. **Parties and/or the child must reside in Dane County. A Guardian ad Litem will be appointed for the child** by the Court in all TPR cases. The same applies for any minor birth parents. The petitioner is responsible for payment of the Guardian ad Litem fees.

This petition must:

- Contain the names and address of all interested parties.
- State facts and circumstances which support the petition and if filing an involuntary petition, the petition must also include the statutory reference for the grounds of the termination of parental rights.

### **Discontinuation of support payments is not a valid ground for filing a TPR petition.**

Sufficient copies (5) for service on all interested parties must be provided at the time the original petition is filed. Four (4) of the copies will be returned to the petitioner along with copies of the summons once the hearing date has been set, one copy will be retained by the court to provide to the GAL that is assigned.

The petitioner is responsible for providing service on the interested parties. There are two ways to accomplish service:

#### **A. By Sheriff**

If the other party lives in Dane County, you may have the Summons and Petition served on the other party by the Civil Process Division of the Dane County Sheriff's Department, Rm. 2002, Public Safety Building, 115 W. Doty Street, Madison, 53703. The Sheriff will need two copies of the forms you filed. There is a \$40 charge for every service or attempted service, plus 55.5¢ per mile, round trip that the deputy travels. There will be no fee if you qualify for a fee waiver. Once the Sheriff has served the forms, you will be sent a Proof of Service form. **Bring it with you to the hearing.**

If the person to be served lives outside of Dane County, call the Sheriff in the county where the person lives for instructions on serving the papers.

#### **B. By Private Process Server**

You may use a private process server to serve the Notice of Motion and Motion to Change on the other party. To locate a private process server, look in the phone book yellow pages under "Process Servers." Once the forms have been served, you will be sent a Proof of Service form. **Bring it with you to the hearing.**

The mandatory state forms are available at <http://wicourts.gov/forms1/circuit.htm> or as a packet for a small fee at the Dane County Legal Resource Center, Room L1007, Dane County Courthouse.

The **mandatory** forms you will need are:

- **JC-1630** Petition for Termination of Parental Rights
- **JC-1633** Summons
- **JC-1635** Notice and Order of Hearing (for Publication)
- **JC-1636** Consent to Termination of Parental Rights (Affidavit)
- **JC-1637** Consent to Termination of Parental Rights (Judicial)
- **JC-1638** Order Concerning Termination of Parental Rights (Voluntary)
- **GF-150** Affidavit of Child Custody Information or Uniform Child Custody Jurisdiction Act