

**210 CHIPS: ABANDONMENT [WIS. STAT. § 48.13(2)]**

The petition in this case alleges that (child) has been abandoned by (his) (her) parent(s). Your role as jurors will be to answer the following question in the special verdict:

1. Has (child) been abandoned?

The burden of proof is on (petitioner) to convince you by evidence that is clear, satisfactory, and convincing, to a reasonable certainty, that the question should be answered "yes."

"Abandonment" means that the parent(s) separated (himself)(herself)(themselves) from (his)(her)(their) child under circumstances which show a lack of reasonable parental concern for the well-being, support, or care of (his)(her)(their) child during the period of time alleged in the petition.

You are to examine all the circumstances surrounding this separation, including its duration or whether it created any foreseeable danger for the child.

**SPECIAL VERDICT**

1. Has (child) been abandoned?

Answer: \_\_\_\_\_  
Yes or No

**COMMENT**

Wis JI-Children 210 and comment were originally approved by the Committee in 1997 and revised in 1999 and 2004. The change in 2004 conformed the burden of proof language to Wis JI-Civil 205.

Wis. Stat. § 48.13(2) reads:

**48.13. Jurisdiction over children alleged to be in need of protection or services.**

The court has exclusive original jurisdiction over a child alleged to be in need of protection or services which can be ordered by the court, and:

- (2) Who has been abandoned

**Relationship to TPR Petition.** A CHIPS finding that a child has been abandoned when the child was under one year of age provides the basis for the involuntary termination of parental rights under Wis. Stat. § 48.415(1)(a)1r. See Comment to Wis JI-Children 308.