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**DISTRICT III**

Amended as to panel March 27, 2019  
March 26, 2019

To:

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Circuit Court Judge  
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You are hereby notified that the Court has entered the following amended opinion and order:

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2019AP142-NM                      Barron County Department of Health and Human Services v.  
R. L. R. (L. C. No. 2017AP14)

Before Stark, P.J.<sup>1</sup>

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

R.L.R. appeals an order terminating his parental rights (TPR) to C.R. Attorney Gregory Bates has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2017-18). All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

809.32 (2017-18); *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report sets forth the procedural history of the case and addresses the circuit court's compliance with statutory time limits, the sufficiency of the evidence to support the jury verdict on grounds, and the court's exercise of its discretion as to the disposition of the case. R.L.R. was sent a copy of the report but did not file a response. Upon independently reviewing the entire record as well as the no-merit report, we conclude that counsel shall be allowed to withdraw and the TPR order will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

The Barron County Department of Health and Human Services (the Department) filed a petition seeking to terminate R.L.R.'s parental rights based upon the dual grounds that C.R. was a child in continuing need of protection and services (CHIPS) pursuant to WIS. STAT. § 48.415(2)(a), and that R.L.R. had failed to assume parental responsibility pursuant to § 48.415(6)(a). At trial, it was undisputed that C.R. had previously been adjudged to be in need of protection and services and had been placed outside R.L.R.'s home for more than six months. The Department presented evidence from one of its social workers explaining what services it had provided or attempted to provide to R.L.R. A jail administrator and an agent from the Department of Corrections testified about the amount of time R.L.R. had spent in jail for a series of criminal offenses and probation violations—many of which were drug-related—throughout the child's life and during the CHIPS placement. A foster parent and C.R.'s paternal grandmother each testified that C.R. had been placed with them for a period of time, during which R.L.R. had provided no daily care, shelter, supervision or medical care for C.R.

After the jury entered a verdict finding both alleged grounds for termination had been proven, the circuit court held an additional evidentiary hearing on the disposition of the petition. The social worker assigned to the case testified that the paternal grandmother with whom C.R.

had been living for the past year and a half, along with the grandmother's husband, planned to adopt C.R. if the TPR petition was granted. The child was in good health while in the grandmother's care. R.L.R. had been incarcerated for approximately six of the eight years of C.R.'s life and he had not developed a substantial relationship with C.R. Any relationships that C.R. had developed with other paternal relatives would be maintained if the paternal grandmother was able to adopt C.R. C.R. had asked to call her grandmother "mother." The social worker concluded that C.R. would be able to have a more permanent and stable family relationship if both her parents' rights were terminated, and that termination would be in C.R.'s best interests. C.R.'s grandmother also testified, and she confirmed that she was willing to adopt C.R. and that she would allow R.L.R. to have continued interaction with C.R., even if his rights were terminated.

Following the dispositional hearing, the circuit court entered an order determining that: (1) R.L.R. was an unfit parent, based upon the grounds found by the jury; and (2) termination of R.L.R.'s parental rights would be in C.R.'s best interests. The court then terminated R.L.R.'s parental rights and it transferred custody of C.R. to the Wisconsin Department of Children and Families, pending C.R.'s adoption.

We agree with counsel's analysis and conclusion that any challenge to the TPR order would lack arguable merit. In particular, all continuances in the circuit court proceedings were based upon findings of good cause; the evidence presented at trial satisfied the elements of each alleged ground for termination; and the court rationally explained the basis for its decision, taking into account the relevant factors. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

IT IS ORDERED that the order terminating R.L.R.'s parental rights to C.R. is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Gregory Bates is relieved of any further representation of R.L.R. in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*