

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 19, 2004

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 03-3187

Cir. Ct. No. 03TP000025

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

**IN RE THE TERMINATION OF PARENTAL RIGHTS TO
SIERRA J.C., A PERSON UNDER THE AGE OF 18:**

SAUK COUNTY DEPARTMENT OF HUMAN SERVICES,

PETITIONER-RESPONDENT,

v.

JODY L. C.-P.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Sauk County:
JAMES EVENSON, Judge. *Affirmed.*

¶1 HIGGINBOTHAM, J.¹ Jody L. C.-P. appeals from an order terminating her parental rights to her daughter, Sierra J.C. Jody argues that there was insufficient evidence of the reasonableness of the County's efforts to reunite her with Sierra. We disagree and affirm the order of the trial court.

FACTS

¶2 In 1999, Jody's children were found to be in need of protection and services (CHIPS) because Jody had left the children home alone and unsupervised when she went to work. While this CHIPS order was in effect, the children were supervised in the home. When this order expired, the social worker assigned the case remained concerned about violence in the home. This social worker stated that she had general concerns because Jody had reported that she "had a long string of boyfriends who had been quite violent with her." Specifically, the social worker was concerned about Jody's relationship with Erik P. Erik P. had attempted to run Jody over with his car and Jody displayed some symptoms of battered women's syndrome. Erik P. was briefly jailed for physically abusing Jody.

¶3 On March 2, 2002, Jody stabbed Erik P., now her husband, in the presence of the children. Jody testified that Erik P. had repeatedly pushed her to the floor while she was trying to take the children and leave; while she was on the floor, Jody reached into a drawer and got a knife. After the stabbing, Jody reached an agreement with the County on a safety plan, which provided she have no

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e). All references to the Wisconsin Statutes are to the 2001-02 version unless otherwise noted.

contact with Erik P. No contact with Erik P. was also a condition of her bond in her criminal case.

¶4 On March 25, 2002, a social worker found Erik P. at Jody's home. Jody testified that she did not initiate this contact and that she had informed Erik P. he was not supposed to be there. Erik P. said he didn't care. Jody was arrested for bail jumping and her children, including Sierra, were removed from her care. The bail jumping charges were later dropped.

¶5 On June 25, 2002, Sierra was found to be in need of protection and services, and conditions for her return to Jody were established in a dispositional order. Two weeks after the dispositional order, Jody went to prison for the stabbing incident; she was sentenced to two years' initial confinement and three years' extended supervision.

¶6 On May 14, 2003, the County filed a petition seeking to terminate Jody's parental rights to Sierra. The petition also sought to terminate the rights of Sierra's unknown father. On June 3, 2003, Jody appeared at the initial appearance without counsel; the hearing was adjourned so Jody could arrange for legal representation.

¶7 On June 17, 2003, Jody appeared with counsel, denied the petition and requested a jury trial. On July 22, 2003, a trial was held where Jody took the stand on her own behalf. The jury found grounds to terminate Jody's parental rights under WIS. STAT. § 48.415(2)(a). Jody's motion for judgment notwithstanding the verdict was denied.

¶8 On August 29 and September 3-4, 2003, a disposition hearing was held. The social worker assigned to the CHIPS case testified that Jody had not

met most of the conditions for return and in her opinion, would be unable to meet the conditions within the next twelve months. After hearing lengthy testimony, the trial court ordered Jody's parental rights terminated. A written order terminating her parental rights was filed September 4, 2003. Jody appeals.

DISCUSSION

¶9 Jody argues there was insufficient evidence of the reasonableness of the County's efforts to reunite her with Sierra. Specifically, Jody argues that the efforts of the County were not "conscientious" efforts because there is nothing in the record showing that the social worker took into consideration Jody's characteristics as a battered woman. We disagree. We conclude there is sufficient credible evidence in the record that the social worker considered Jody's battered woman status.

¶10 This court's review of a jury's verdict is narrow. *State v. Quinsanna D.*, 2002 WI App. 318, ¶30, 259 Wis. 2d 429, 655 N.W.2d 752; *see also Morden v. Continental AG*, 2000 WI 51, ¶38, 235 Wis. 2d 325, 611 N.W.2d 659. "Appellate courts in Wisconsin will sustain a jury verdict if there is any credible evidence to support it. Moreover, if there is any credible evidence, under any reasonable view, that leads to an inference supporting the jury's finding, we will not overturn that finding." *Id.* (citations omitted). Furthermore, in determining whether any credible evidence supports a jury's verdict, we must search the record for such supporting evidence and, "if the evidence gives rise to more than one reasonable inference, we [will] accept the particular inference reached by the jury." *Id.*, ¶39 (citation omitted).

¶11 The record contains sufficient credible evidence of the reasonableness of the County's efforts to reunite Jody with Sierra. At the July 22,

2003 jury trial, social worker Kerri Paulson testified that the safety plan implemented after Jody had stabbed Erik included a no-contact provision prohibiting contact with Erik P. In addition, Jody was not to have Erik P. in her presence or the children's presence and she was to obtain therapy for herself and the children. Paulson's main concerns were that Jody failed to realize the continued trauma Erik P.'s presence caused Sierra. Paulson testified that she worked on basic case management, visitation and economic support with Jody.

¶12 Paulson further testified that she attempted contact with Jody after her incarceration, discussing Jody's need to work on the conditions of return and informing her of the possibility of termination of parental rights if the conditions of return were unsatisfied. Paulson asked Jody to remain in contact with her on a regular basis but Jody did not do so, writing Paulson only two letters in over a year. According to Paulson, contact with Jody "was basically [Paulson] initiating contact by calling the prison." Paulson had contact with Jody's prison social worker as well, who was aware of the court order and conditions of return. Paulson testified that even while incarcerated, Jody continued to have contact with Erik P. and was seeking to have the no-contact provision lifted.

¶13 Paulson further testified that even prior to incarceration, Jody's level of cooperation was minimal. Paulson set up appointments and Jody failed to attend; Jody failed to attend hearings and failed to comply with the safety plan. Jody was required to undergo individual counseling to address her co-dependency issues, unresolved childhood issues, poor impulse control, appropriate coping mechanisms, anger management and effective communication. Jody self-reported that she had met with a doctor three times but Paulson never received any information confirming this or the doctor's qualifications.

¶14 The conditions of return also required Jody to meet with Hope House or other domestic abuse support programs and be evaluated for services. Because of her incarceration, Jody was unable to do so. Jody reported that while she was incarcerated, after the TPR petition was filed, she attended a domestic violence program but provided Paulson with no written documentation of this attendance. The conditions of return required Jody to attend a domestic violence abuse support program for six consecutive months and provide a written statement from the evaluator, stating that Jody fully understands the dynamics of domestic abuse and how she can make appropriate choices to insure the safety of herself and her child. She did not comply with this condition.

¶15 In addition, social worker Melanie Faivre testified that she made home visits while Sierra was under the initial supervised CHIPS order. Faivre testified that she had concerns because Jody had stated she (Jody) “had a long string of boyfriends who had been quite violent with her” and that “there began to be reports of incidents that were alarming,” including the one where Erik P. had attempted to run Jody over with his car. Faivre discussed those incidents with Jody but Jody insisted that it wouldn’t happen again.

¶16 In the court report dated August 21, 2003 filed prior to the disposition hearing, Paulson noted that the County had outlined specific recommendations for Jody and had spoken with Jody and prison staff, as had other providers at Sauk County Department of Human Services, on a monthly or as-needed basis to go through the court-ordered recommendations. Paulson also requested monthly contacts from Jody in efforts to review recommendations. According to Paulson, Jody had access to several recommended services through the prison system. Jody was to be assessed for the appropriateness of individual counseling and was to comply with any and all treatment recommendations and

make substantial progress and successfully deal with any issues identified by the treatment provider. While Jody reported attending individual therapy sessions while incarcerated, Sauk County Department of Human Services did not receive any information that she had made progress in successfully dealing with any of the issues identified by the court order. Jody was referred to a domestic abuse support program but the facilitator of the program could not provide a written statement regarding Jody's progress because Jody had not attended the program for the minimum six months.

¶17 There is more than sufficient credible evidence in the record that the County made reasonable efforts to address Jody's status as a battered woman and reunite Jody with Sierra. We therefore affirm the order of the trial court terminating Jody's parental rights.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

