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**DISTRICT I/III**

October 29, 2013

To:

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

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2013AP1497-NM	State v. Shatasha B.-P.
2013AP1498-NM	(L. C. Nos. 2011TP233, 2011TP234, 2011TP235, 2011TP236)
2013AP1499-NM	
2013AP1500-NM	

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

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

Counsel for Shatasha B.-P. has filed a no-merit report concluding there is no arguable merit to any issue that could be raised on appeal from orders concerning termination of parental rights. Shatasha was informed of her right to file a response and has not responded. Upon this court's independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude no issue of arguable merit appears and the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

Shatasha is the mother of four children who resided with her from their birth until February 5, 2010, when the Bureau of Milwaukee Child Welfare (BMCW) took the children into protective custody following reports of alleged child abuse by her boyfriend, and neglect. The State subsequently filed petitions alleging the children were in need of protection and services. The circuit court entered a written dispositional order that found all four children in need of protection or services, and placed them outside the parental home in a BMCW placement.

On July 19, 2011, the State filed petitions for the involuntary termination of Shatasha's parental rights on the grounds of continuing need of protection or services. After testifying at her jury trial on the grounds stage, Shatasha entered a stipulation to grounds. The court heard testimony in support of grounds for termination, and Shatasha admitted that the facts in the petition were substantially true and correct. The court found that grounds for the termination were proven, and made the mandatory unfitness finding.

The dispositional hearing began on June 18, 2012, and continued for several dates, concluding on March 19, 2013. At the hearings, the court heard various testimony, including from the children's foster parents, case manager, psychologist, and Shatasha. In an oral decision, the court granted the petition to terminate Shatasha's parental rights to all four children.

Any challenge to the proceedings based upon a failure to comply with statutory time limits would lack arguable merit. Time limits were either complied with or extended for good cause. Scheduling difficulties constitute good cause for tolling time limits. See *State v. Quinsanna D.*, 2002 WI App 318, ¶39, 259 Wis. 2d 429, 655 N.W.2d 752.

Any challenge to the stipulation concerning grounds would also lack arguable merit. When a parent enters a no contest plea or stipulates to grounds for termination, the circuit court must engage the parent in a colloquy to ensure the plea is knowing, voluntary and intelligent. Here, the court engaged Shatasha in an extensive colloquy and confirmed her understanding of the allegations in the petition and the rights she waived and the consequences of her stipulation. The court further ascertained that any medication she was currently taking did not interfere with her ability to understand the proceedings or answer the court's questions, and that no promises or threats had been made to elicit an admission to the facts. See WIS. STAT. § 48.422(7).

The court also informed Shatasha that acceptance of her stipulation would result in a finding of parental unfitness, and that during the dispositional phase of the proceedings, the court would hear evidence and then either terminate her rights or dismiss the petition if the evidence did not warrant termination. See *Oneida Cnty. DSS v. Therese S.*, 2008 WI App 159, ¶¶10, 16, 314 Wis. 2d 493, 762 N.W.2d 122. Further, the court informed her that the best interests of the child would be the prevailing factor considered by the court in determining the disposition. See *id.*, ¶16. The court noted Shatasha's demeanor was calm and that emotion was not entering into her decision. The court then approved Shatasha's waiver of her right to contest the grounds for termination and accepted the stipulation.

Based on testimony in support of the factual basis for grounds from former case managers, the AODA assessment and psychological evaluation, and Shatasha's acknowledgement that the facts in the petition were substantially true and correct, the court found a factual basis existed and made the statutorily required finding of unfitness. There is no arguable merit to a challenge regarding grounds for termination of her parental rights.

There is also no arguable merit to any claim that the trial court erroneously exercised its discretion when it terminated Shatasha's parental rights. The court correctly applied the best interest of the child standard and considered the proper statutory factors set out in WIS. STAT. § 48.426(3). The court ultimately concluded it was in the children's best interests to terminate parental rights after considering the children's adoptability and age, their relationship with Shatasha, the duration of the separation from their mother, and need for a stable and permanent family relationship, among other factors. The court specifically emphasized the children's special needs that had not been addressed by their parents, and Shatasha's own "extreme special needs" that prevented her from being able to adequately understand and meet the special needs of her children. The court's discretionary decision to terminate parental rights was based on an extremely thorough consideration of the evidence and demonstrates a rational basis that is justified by the record. *See Gerald O. v. Cindy R.*, 203 Wis. 2d 148, 152, 551 N.W.2d 855 (Ct. App. 1996).

This court's independent review of the record discloses no other potential issues for appeal. Therefore,

IT IS ORDERED that the orders are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Andrea Taylor Cornwall is relieved from further representing Shatasha in these matters. *See* WIS. STAT. RULE 809.32(3).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*