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DISTRICT II

January 29, 2014

To:

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

2013AP2646-NM	In re the termination of parental rights to Jayshaun H. L. F., a person under the age of 18: Kenosha County DHS v. Lakesha B. O. (L.C. # 2012TP54)
2013AP2647-NM	In re the termination of parental rights to Johnny L. J., III, a person under the age of 18: Kenosha County DHS v. Lakesha B. O. (L.C. # 2012TP55)

Before Gundrum, J.¹

In these consolidated cases, Lakesha B. O. appeals from orders terminating the parental rights to her children Jayshaun H. L. F. and Johnny L. J., III. Appellate counsel for Lakesha has

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2011-12). All references to the Wisconsin Statutes are to the 2011-12 version.

filed a no-merit report pursuant to WIS. STAT. RULES 809.107(5m) and 809.32. Lakesha filed a response. After reviewing the record, counsel's no-merit report, and Lakesha's response, we conclude that there are no issues with arguable merit for appeal. We therefore affirm the orders.

On October 3, 2012, the State of Wisconsin filed petitions to terminate Lakesha's parental rights to Jayshaun and Johnny. On June 10, 2013, Lakesha admitted that Jayshaun and Johnny were children in need of continuing protection or services pursuant to WIS. STAT. § 48.415(2). The circuit court accepted the admission and found Lakesha unfit. Following a dispositional hearing on the matter, the court terminated her parental rights.

The no-merit report addresses the following issues: (1) whether the petitioner adhered to all mandatory time limits required by WIS. STAT. ch. 48, (2) whether the petitions satisfied the content requirements set forth in § 48.42(1), (3) whether grounds to terminate Lakesha's parental rights were properly established for Jayshaun and Johnny, resulting in a finding of unfitness, and (4) whether the circuit court properly exercised its discretion when it terminated Lakesha's parental rights to Jayshaun and Johnny.

With respect to the issue of time limits, all mandatory time limits either were complied with or properly extended for good cause and without objection. *See* WIS. STAT. § 48.315(1)(b), (2), (3). Accordingly, we agree with counsel that any challenge relating to this issue would lack arguable merit.

With respect to the petitions themselves, we are satisfied that they were in proper form and satisfied the content requirements of WIS. STAT. § 48.42(1). As a result, we agree with counsel that any challenge to the petitions on this basis would lack arguable merit.

With respect to the grounds to terminate Lakesha's parental rights, we are satisfied that they were properly established. As noted, Lakesha admitted that Jayshaun and Johnny were children in need of continuing protection or services pursuant to WIS. STAT. § 48.415(2). Before accepting an admission to grounds for termination, the circuit court is required to engage the parent in a personal colloquy in accordance with WIS. STAT. § 48.422(7). Additionally, the record must establish that the parent understands the constitutional rights given up by the admission. See *Kenosha Cnty. Dep't of Human Servs. v. Jodie W.*, 2006 WI 93, ¶25, 293 Wis. 2d 530, 716 N.W.2d 845. The parent must also understand that acceptance of the admission will result in a finding of parental unfitness. *Oneida Cnty. Dep't of Soc. Servs. v. Therese S.*, 2008 WI App 159, ¶¶10-11, 314 Wis. 2d 493, 762 N.W.2d 122. Here, the circuit court's colloquy prior to the acceptance of Lakesha's admission reflects that the court satisfied these requirements. Accordingly, we agree with counsel that any challenge to the admission would lack arguable merit.

Finally, with respect to the circuit court's decision at disposition to terminate Lakesha's parental rights, the record demonstrates that the court properly exercised its discretion. The court's determination of whether to terminate parental rights is discretionary. *State v. Margaret H.*, 2000 WI 42, ¶27, 234 Wis. 2d 606, 610 N.W.2d 475. Under WIS. STAT. § 48.426(2), the "best interests of the child" is the prevailing standard, and the court is required to consider the factors delineated in § 48.426(3) in making this determination. *Margaret H.*, 234 Wis. 2d 606, ¶¶34-35. Here, the circuit court's remarks reflect that it considered the appropriate factors. Those factors weighed in favor of a determination that it was in the best interests of Jayshaun and Johnny to terminate Lakesha's parental rights.

As noted, Lakesha filed a response to counsel's no-merit report. In it, she indicates that she fed her children and never beat them. She also reiterates her love for her children and says that she wants them back. Although we are sympathetic to Lakesha's response, none of her assertions change our analysis regarding the propriety of the circuit court orders terminating her parental rights. As a result, we are satisfied that her response does not present an issue of arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Kaitlin A. Lamb of further representation in these matters.

Upon the foregoing reasons,

IT IS ORDERED that the orders terminating Lakesha B. O.'s parental rights are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kaitlin A. Lamb is relieved of any further representation of Lakesha B. O. in these matters. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals