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October 8, 2014

To:

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

2014AP1924-NM State of Wisconsin v. Jennifer R. (L.C. #2013TP129)

Before Gundrum, J.¹

Jennifer R. appeals from an order terminating the parental rights to her son Ryan T., Jr. Appellate counsel for Jennifer has filed a no-merit report pursuant to WIS. STAT. RULES

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.

809.107(5m) and 809.32. Jennifer received a copy of the report, was advised of her right to file a response, and has elected not to do so. After reviewing the record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the order. WIS. STAT. RULE 809.21.

On March 27, 2013, the State of Wisconsin filed a petition to terminate Jennifer's parental rights to her son, Ryan. On January 13, 2014, Jennifer stipulated that her son was in continuing need of protection or services pursuant to WIS. STAT. § 48.415(2). The circuit court accepted the stipulation and found Jennifer unfit. Following a dispositional hearing on the matter, the court terminated her parental rights.

The no-merit report addresses the following issues: (1) whether Jennifer's stipulation was knowingly, voluntarily, and intelligently entered and based on sufficient evidence and (2) whether the circuit court properly exercised its discretion when it terminated Jennifer's parental rights.

With respect to Jennifer's stipulation, the record confirms that she knowingly, voluntarily, and intelligently entered it. Before accepting a stipulation 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 stipulation. See *Kenosha Cnty. DHS 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 stipulation will result in a finding of parental unfitness. See *Oneida Cnty. DSS 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 Jennifer's stipulation reflects that the court

satisfied these requirements. Moreover, the State provided sufficient evidence to establish the ground of continuing need of protection and services. Accordingly, we agree with counsel that any challenge to the stipulation would lack arguable merit.

With respect to the circuit court's decision at disposition to terminate Jennifer'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 Ryan to terminate Jennifer's parental rights.

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 Randall E. Paulson of further representation in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Randall E. Paulson is relieved of any further representation of Jennifer R. in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals