



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I/III

June 30, 2015

To:

Hon. Mark A. Sanders
Circuit Court Judge
Childrens Court Center
10201 W. Watertown Plank Rd
Wauwatosa, WI 53226-1425

Dan Barlich
Juvenile Clerk
Children's Court Center
10201 Watertown Plank Rd.
Milwaukee, WI 53226

Paul G. Bonneson
Law Offices of Paul G. Bonneson
631 N. Mayfair Rd.
Wauwatosa, WI 53226

Sarah A. Sweeney
Vel R Phillips Children's Court Center
Milwaukee County DA's Office
10201 W Watertown Plank Rd
Wauwatosa, WI 53226-3532

Bureau of Milwaukee Child Welfare
Arlene Happach
635 N. 26th St
Milwaukee, WI 53233-1803

Jeremiah F. 464795
Waupun Corr. Inst.
P.O. Box 351
Waupun, WI 53963-0351

Michael J. Vruno Jr.
Legal Aid Society of Milwaukee
10201 Watertown Plank Rd.
Milwaukee, WI 53226

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

2015AP582-NM

State of Wisconsin v. Jeremiah F. (L. C. #2013TP110)

Before Stark, J.¹

Counsel for Jeremiah F. has filed a no-merit report concluding there is no arguable basis to challenge an order terminating Jeremiah's parental rights. Jeremiah was advised of his right to

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

respond and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), no issues of arguable merit appear and we summarily affirm the order.

The ground relied upon for terminating Jeremiah's parental rights was the commission of a felony against a child, contrary to WIS. STAT. § 48.415(9m). The State proved Jeremiah had been convicted of first-degree intentional homicide for the death of another of his children, for which he is serving a life sentence. See WIS. STAT. § 48.415(9m)(a). The circuit court properly employed summary judgment in the grounds phase. See *Oneida Cnty. Dep't of Soc. Servs. v. Nicole W.*, 2007 WI 30, ¶14, 299 Wis. 2d 637, 728 N.W.2d 652. Any challenge to the grounds phase would lack arguable merit.

There is also no arguable merit to any claim that the circuit court erroneously exercised its discretion when it terminated Jeremiah's parental rights. The court properly applied the best interests of the child standard, which is the central focus of the dispositional phase. See WIS. STAT. § 48.426(2).

The court also considered the proper factors under WIS. STAT. § 48.426(3). The child and two siblings had been placed in one foster home, and the court found it was "extremely likely" all three children would be adopted by the foster parents. The court considered the age and health of the child. The court stated, "I can't say there is any relationship at all by [the child] with [Jeremiah]." The court also considered whether it would be harmful to sever any relationship with other family members. The court noted the child called the foster parents "Mom" and "Dad." The court found the child would be able to enter into a more stable and permanent family relationship as a result of the termination. The court's discretionary decision

to terminate Jeremiah's parental rights demonstrates a rational process that is justified by the record.² See **Gerald O. v. Cindy R.**, 203 Wis. 2d 148, 152, 551 N.W.2d 855 (Ct. App. 1996).

Any challenge to the proceedings based on a failure to comply with statutory time limits would also lack arguable merit. All mandatory time limits were complied with or properly extended for good cause. See **State v. Quinsanna D.**, 2002 WI App 318, ¶39, 259 Wis. 2d 429, 655 N.W.2d 752.

Our independent review of the record discloses no other potential issues for appeal. Therefore,

IT IS ORDERED that the order is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Paul G. Bonneson is relieved of further representing Jeremiah F. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals

² The order also terminated the parental rights of the mother. Termination of the mother's parental rights is not a subject of this appeal.