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**DISTRICT I/IV**

August 21, 2015

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D. D.

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

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2015AP1234-NM	In re the termination of parental rights to G-Z. A. D., a person under the age of 18: State of Wisconsin v. D. D. (L.C. #2014TP34)
2015AP1235-NM	In re the termination of parental rights to N. D. D., a person under the age of 18: State of Wisconsin v. D. D. (L.C. #2014TP35)

Before Blanchard, J.<sup>1</sup>

D.D. appeals orders terminating his parental rights to two children. Attorney Carl Chesshir has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32; *Anders v. California*, 386 U.S. 738, 744 (1967); *State ex rel. McCoy v. Wisconsin Court of Appeals*, 137 Wis. 2d 90, 403 N.W.2d 449 (1987), *aff'd*, 486 U.S. 429 (1988). The no-

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

merit report addresses the validity of D.D.'s admission on grounds and the circuit court's determination that termination would be in the best interest of the children, taking into account D.D.'s incarceration at the time of termination. D.D. was sent a copy of the report, but has not filed a response. Upon reviewing the entire record, as well as the no-merit report, we agree with counsel's assessment that there are no arguably meritorious appellate issues.

*Admission on Grounds*

An admission of the alleged grounds in a termination of parental rights case must be made "with understanding." WIS. STAT. § 48.422(7). Courts can apply the same standard and analysis set forth in *State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986), for pleas in criminal cases to evaluate the validity of an admission to grounds in a TPR proceeding. *Waukesha County v. Steven H.*, 2000 WI 28, 233 Wis. 2d 344, ¶42, 607 N.W.2d 607.

Here, the record contains a plea colloquy in which the circuit court ascertained that D.D. understood the process and the rights that he would be waiving by admitting grounds. The State then presented evidence to establish a factual basis that each child was in continuing need of protection and services within the meaning of WIS. STAT. § 48.415(2). We see nothing in the record that would support a challenge to D.D.'s admission.

*Disposition*

At a dispositional hearing, a circuit court is required to consider such factors as the likelihood of the child's adoption, the age and health of the child, the nature of the child's relationship with the parents or other family members, the wishes of the child, and the duration of the child's separation from the parent, with the prevailing factor being the best interests of the

child. WIS. STAT. § 48.426(2) and (3). The record shows that the circuit court in this case explicitly cited and discussed each of the relevant factors in light of the testimony that had been presented. The court acknowledged that D.D. had maintained some degree of relationship with the children through telephone calls, but concluded that it was not substantial because the children did not ask about him or discuss his absence. The court also acknowledged that severing the relationship between the children and other paternal relatives would be harmful, but concluded that the impact of that factor was limited because the custodian had been permitting contact and had stated that she would continue to do so. Additionally, the court considered that D.D.'s reunification plan after his release from custody was uncertain because his prior history did not give the court confidence that he would not violate the conditions of extended supervision. In short, the record shows that the trial court reasonably applied the proper legal standard to the facts of record when reaching its disposition.

We have discovered no other arguably meritorious grounds for an appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

IT IS ORDERED that the orders terminating D.D.'s parental rights to his two children is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Carl Chesshir is relieved of any further representation of D.D. in this matter. *See* WIS. STAT. RULE 809.32(3).

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