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July 6, 2016

To:

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

2016AP826-NM

State of Wisconsin v. J.G. (L.C. No. 2015TP54)

Before Seidl, J.¹

Counsel for J.G. filed a no-merit report concluding there is no arguable basis for J.G. to withdraw his no-contest plea to the grounds phase or to challenge the circuit court's discretionary decision to terminate his parental rights to his son, J.J.V.H. Despite requesting and receiving an extension of time for filing a response, J.G. has not responded. Upon this court's independent review of the record, no issue of arguable merit appears.

J.J.V.H. was removed from his mother's home on November 6, 2013, after his mother, since deceased, was involved in an altercation and was hospitalized. J.G. was in prison at that time. Upon his release from prison, J.G. was offered supervised visitation and the county's assistance in complying with the terms of a juvenile court order finding the child in continuing need of protection and services (continuing CHIPS). The CHIPS order, which included a warning regarding possible termination of parental rights, pursuant to WIS. STAT. § 48.356, contained numerous conditions and goals to be met by J.G. prior to return of the child to his home.

The petition for termination of his parental rights alleged J.G. failed to cooperate with the Bureau of Milwaukee Child Welfare by undergoing an assessment and participating in recommended treatment while maintaining appropriate communication with the child. It alleged J.G. had not completed a required parenting program and psychological evaluation. J.G.'s visits were sporadic and eventually terminated by the court due to their traumatic effect on the child. The petition further alleged: J.G.'s failure to understand the child's physical, emotional, developmental and behavioral needs; lack of participation in the child's medical appointments; and failure to provide a safe and stable home for the child.

J.G. entered a no-contest plea to the allegation of continuing CHIPS.² Before accepting the no-contest plea, the court reminded J.G. of the two-phase nature of the proceedings, the constitutional rights he waived by pleading no contest, the elements of the continuing CHIPS

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.

² An additional ground for termination, failure to assume parental responsibility, was dismissed.

allegation, and the potential outcomes. The court determined the plea was freely, voluntarily and intelligently entered, and was based on no threats or promises. The factual basis for the plea was provided by a case manager who detailed J.G.'s failure to comply with the CHIPS order and the county's efforts to achieve compliance. She opined J.G. was unlikely to complete the conditions for return of the child within the next nine months based on his history of noncompliance. The record shows no arguable basis for withdrawing the no-contest plea.

At the disposition phase, the court focused on the child's best interests, particularly based on his "special needs" due to his disadvantaged upbringing and the trauma of his mother's death. The court concluded adoption was highly likely based on the foster parents' willingness to adopt the child. The four-year-old child had been in out-of-home care for almost half his life. The court found the child recognized his father, but did not have a substantial relationship with him due to lack of contact. The child had developed a substantial relationship with his foster parents and their son. The court considered the factors set out in WIS. STAT. § 48.426(3), and the record reveals no arguable basis for challenging its discretionary decision to terminate J.G.'s parental rights.

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

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

IT IS FURTHER ORDERED that attorney Jane Earle is relieved of her obligation to further represent J.G. in this matter.

Diane M. Fremgen
Clerk of Court of Appeals