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DISTRICT I/IV

June 12, 2017

To:

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

2017AP584-NM	In re the termination of parental rights to D.G., a person under the age of 18: State of Wisconsin v. C. G. (L.C. # 2016TP109)
2017AP585-NM	In re the termination of parental rights to A.G., a person under the age of 18: State of Wisconsin v. C. G. (L.C. # 2016TP110)

Before Sherman, J.¹

Attorney Eileen Evans, appointed counsel for C.G., has filed a no-merit report in these consolidated appeals concerning orders terminating C.G.'s parental rights to D.G. and A.G. *See*

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e)(2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses whether C.G.'s no-contest plea as to grounds was knowing, intelligent and voluntary, as well as whether the circuit court properly exercised its discretion in determining that termination of C.G.'s parental rights was in D.G. and A.G.'s best interest. C.G. was sent a copy of the report, but has not filed a response. Upon my independent review of the entire record, as well as the no-merit report, I agree with counsel's assessment that there are no arguably meritorious appellate issues.

On March 29, 2016, the State filed petitions to terminate C.G.'s parental rights to D.G. and A.G. The petitions alleged grounds existed to terminate C.G.'s parental rights under WIS. STAT. § 48.415(2), because the children were in continuing need of protection or services (CHIPS); and § 48.415(6), because C.G. had failed to assume parental responsibility for them. On September 26, 2016, C.G. pled no-contest to the continuing CHIPS grounds to terminate her parental rights. The court held a dispositional hearing on November 22, 2016. The court determined that termination was in D.G. and A.G.'s best interest.

Before accepting C.G.'s no-contest plea in the grounds phase, the circuit court conducted a plea colloquy that established C.G.'s ability to understand the proceedings, her understanding of the grounds of continuing CHIPS, the result of pleading no-contest to grounds, and the constitutional rights C.G. would be waiving through the no-contest plea.² See *Oneida Cty. Dep't of Social Servs. v. Therese S.*, 2008 WI App 159, ¶¶5-6, 314 Wis. 2d 493, 762 N.W.2d 122. The

² Near the end of the hearing as to grounds, C.G.'s mother asserted that C.G. was under the influence of illegal drugs or alcohol. However, C.G. denied that she was under the influence of drugs or alcohol. Additionally, the court reengaged C.G. in a discussion as to her ability to understand the proceedings, and determined that C.G. was able to understand and had validly entered her no-contest plea.

court also established that C.G. had sufficient time to discuss her case with her lawyer, and that no one had promised her anything or threatened her in any way to plead no-contest to grounds. *See id.* The court then established that there was a factual basis to support the no-contest plea, through testimony by a family case manager and supervisor. *See id.* I agree with counsel's assessment that the record as a whole demonstrates that C.G. entered a valid no-contest plea to grounds based on continuing CHIPS. *See Waukesha Cty. v. Steven H.*, 2000 WI 28, ¶42, 233 Wis. 2d 344, 607 N.W.2d 607. Thus, a challenge to the court's determination that C.G. entered a valid no-contest plea to grounds would lack arguable merit.

Next, at the dispositional phase, the court heard testimony from the children's foster mother and family case supervisor, and a statement from C.G. The court issued a written decision explaining its exercise of discretion in determining that termination of C.G.'s parental rights was in D.G. and A.G.'s best interest. I agree that a challenge to the circuit court's exercise of discretion could be wholly frivolous.

Upon my independent review of the record, I have found no other arguable basis for reversing the orders terminating C.G.'s parental rights. I 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 are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Eileen Evans is relieved of any further representation of C.G. in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published and may not be cited except as provided under WIS. STAT. RULE 809.23(3).

Diane M. Fremgen
Clerk of Court of Appeals