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**DISTRICT I/II**

September 13, 2017

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

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2017AP1365-NM	In re the termination of parental rights to I.Z.F., a person under the age of 17: State of Wisconsin v. B.R.I. (L.C. # 2016TP61)
2017AP1366-NM	In re the termination of parental rights to L.C.I., a person under the age of 17: State of Wisconsin v. B.R.I. (L.C. # 2016TP62)
2017AP1367-NM	In re the termination of parental rights to M.C.I., a person under the age of 17: State of Wisconsin v. B.R.I. (L.C. # 2016TP63)
2017AP1368-NM	In re the termination of parental rights to R.L.I., a person under the age of 17: State of Wisconsin v. B.R.I. (L.C. # 2016TP64)

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

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

In these consolidated cases, B.R.I. appeals from orders terminating his parental rights to his children, I.Z.F., L.C.I., M.C.I., and R.L.I. B.R.I.'s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULES 809.107(5m) and 809.32. B.R.I. received a copy of the report, was advised of his 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 orders. *See* WIS. STAT. RULE 809.21.

I.Z.F., L.C.I., and M.C.I. were removed from B.R.I.'s home in March 2014 due to domestic violence. R.L.I. was taken into custody after his birth in October 2014. The circuit court found all four children to be in need of protection or services.

In February 2016, the State of Wisconsin filed petitions alleging that B.R.I.'s parental rights should be terminated. BRI pled no contest to the allegation that his children were in continuing need of protection or services pursuant to WIS. STAT. § 48.415(2). The circuit court accepted the plea and found B.R.I. unfit. Following a dispositional hearing on the matter, the court terminated his parental rights.

The no-merit report addresses whether the circuit court adhered to statutory deadlines governing termination of parental rights proceedings. Although both the plea and dispositional

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<sup>1</sup> These appeals are 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.

hearing were held outside the time limits of WIS. STAT. ch. 48, the court found good cause to grant continuances for each event. This was permitted under WIS. STAT. § 48.315. Moreover, B.R.I.'s failure to object to the continuances waives any challenge to the court's competency to act. *See* § 48.315(3).

The no-merit report also addresses whether B.R.I.'s plea was knowingly, voluntarily, and intelligently made and had a factual basis. Before accepting a plea, 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 plea. *Kenosha Cty. 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 plea will result in a finding of unfitness. *Oneida Cty. 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 B.R.I.'s plea reflects that the court satisfied these requirements. The court also correctly determined that a factual basis existed based upon the evidence presented by the State.

Finally, the no-merit report addresses whether the circuit court properly exercised its discretion at the dispositional hearing in terminating B.R.I.'s parental rights. 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. Again, 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 I.Z.F., L.C.I., M.C.I., and R.L.I. to terminate B.R.I.'s parental rights.<sup>2</sup>

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 Gregory Bates of further representation in these matters.

Upon the foregoing reasons,

IT IS ORDERED that the orders terminating B.R.I.'s parental rights are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Gregory Bates is relieved of any further representation of B.R.I. in these matters. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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

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<sup>2</sup> We note that B.R.I. was not present for the second day of the dispositional hearing when the attorneys made their arguments and the circuit court rendered its decision. According to his trial counsel, B.R.I. "just forgot" about it and could not get to the courthouse in person. The court elected to proceed with the hearing anyway as (1) B.R.I. had already testified; and (2) he and his trial counsel had previously discussed their planned argument. We are satisfied that the circuit court's decision to proceed was proper and does not present an issue of arguable merit.