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October 24, 2017

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

2017AP1686-NM State of Wisconsin v. C. C. (L. C. No. 2015TP262)

Before Seidl, J.¹

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).

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

Counsel for C. C. filed a no-merit report concluding there is no arguable basis for challenging an order terminating his parental rights to his seven-year-old daughter, S.M.C. C. C. was advised of his right to respond to the report and has not responded. Upon independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), this court concludes there is no arguable merit to any issue that could be raised on appeal and summarily affirms. *See* WIS. STAT. RULE 809.21.

Petitions to terminate parental rights to the child were filed against both C. C. and the child's mother. C. C. entered a no-contest plea to the allegation that he failed to assume parental responsibility. After conducting a disposition hearing, the circuit court found termination of C. C.'s parental rights was in the child's best interest.

The record discloses no arguable basis for C. C. to withdraw his no-contest plea. C. C. testified he had completed the eleventh grade and had a General Education Development diploma, he was not under the influence of drugs or alcohol, he was receiving medication for post-traumatic stress disorder, but understood the court's questions and his plea was not induced by any promises or threats. He had discussed his decision with his attorney and acknowledged he was giving up his right to a trial. C. C. said he recognized that the State could prove the matters set forth in the petition regarding his failure to assume responsibility. He acknowledged that there would be a disposition hearing where he could argue the child's best interests, and the court had many options at the disposition hearing.

The court then took evidence to establish a factual basis for the plea. A social worker testified the child was six years old at that time and had been in foster care ever since her brother died and an autopsy revealed broken bones and a brain hematoma. Since that time, C. C. had

very little contact with the child due to a court order and therapist's recommendation. According to the child's mother, C. C. had been making money through drug sales and had been violent to her. C. C. did not follow through with a parenting assessment. He had not provided for the child's basic needs. The circuit court found by clear and convincing evidence that C. C. did not have a substantial parental relationship with the child.

At the disposition hearing, the court considered the factors set out in WIS. STAT. § 48.426(3). C. C. was called adversely and testified neither of his two children lived with him. He had been in and out of custody for three years and had no contact with the child other than one phone call. He did not have an apartment or a driver's license. He was too busy to attend bonding assessment, and he had no contact with the foster parents, therapists, medical and dental providers or teachers.

The family case manager testified the child was in the same foster home since July 2014. The child blamed herself for her brother's death. During phone calls with her parents, the child was both excited and scared, and she had behavioral problems afterward. The child indicated she wanted to stay with the foster parents. The case manager testified that neither biological parent understood the child's need, and placement with relatives of either parent was not advisable.

The foster mother testified that she and her husband were committed to adopting the child. They did not want contact between the child and her parents until she was older. She testified the child had developed relationships with members of the foster parents' household, and after phone calls with her parents, the child was not her normal self.

The circuit court found the following: The child was likely to be adopted. The biological parents did not understand the trauma she had experienced. The child had a relationship with her parents, but it would not be harmful to sever those relationships or those with the extended family. There was domestic violence in the household. The child had been separated from her parents for over one-third of her life and would enter into a more stable and permanent relationship if the court terminated the parents' rights.

The record supports the circuit court's findings, and those findings support the discretionary decision to terminate C. C.'s parental rights due to his failure to assume parental responsibility.

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

IT IS FURTHER ORDERED that attorney Leonard Kachinsky is relieved of his obligation to further represent C. C. in this matter. *See* WIS. STAT. RULE 809.32.

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

Diane M. Fremgen
Clerk of Court of Appeals