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**DISTRICT II**

July 30, 2021

To:

Hon. Larisa V. Benitez-Morgan  
Circuit Court Judge  
Electronic Notice

Karen Lueschow  
Electronic Notice

Rebecca Matoska-Mentink  
Juvenile Clerk  
Kenosha County  
Electronic Notice

Lisa R. Bouterse  
5316 31st Ave.  
Kenosha, WI 53144-2807

R.M.

Michael D. Graveley  
District Attorney  
Electronic Notice

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

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2021AP978-NM	Kenosha County DHS v. R.M. (2019TP51)
2021AP979-NM	Kenosha County DHS v. R.M. (2019TP52)
2021AP980-NM	Kenosha County DHS v. R.M. (2019TP53)
2021AP981-NM	Kenosha County DHS v. R.M. (2019TP54)

Before Reilly, P.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).**

R.M. appeals orders terminating his parental rights to V.L.B.-M., G.S.B.M., I.T.M.M., and R.J.M.M. Attorney Karen Lueschow has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738, 744

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2019-20). All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

(1967). The no-merit report addresses whether there would be arguable merit to a challenge to the fundamental fairness of the proceedings, R.M.'s no-contest plea to grounds, or the circuit court's exercise of discretion at disposition. R.M. was sent a copy of the report, but has not filed a response. Upon our independent review of the entire record, as well as the no-merit report, we agree with counsel's assessment that there are no arguably meritorious appellate issues. We affirm.

On June 11, 2019, the State filed petitions to terminate R.M.'s parental rights to V.L.B.-M., G.S.B.M., I.T.M.M., and R.J.M.M. The petitions alleged grounds existed to terminate R.M.'s parental rights under WIS. STAT. § 48.415(2), because all of the children were in continuing need of protection or services. On September 24, 2020, R.M. pled no-contest to grounds. The court held a dispositional hearing on January 29, 2021. At the conclusion of the dispositional phase, the court determined that termination of R.M.'s parental rights was in the children's best interests, and terminated R.M.'s parental rights to all four children.

The no-merit report addresses whether there would be arguable merit to a challenge to the fairness of the proceedings. After the filing of a petition for termination of parental rights and the completion of preliminary matters, "a contested termination proceeding involves a two-step procedure." *Sheboygan Cnty. DHHS v. Julie A.B.*, 2002 WI 95, ¶24, 255 Wis. 2d 170, 648 N.W.2d 402. The first step is a fact-finding hearing which determines whether grounds exist to terminate the parent's rights. *Id.* "During this step, the parent's rights are paramount .... [T]he burden is on the government, and the parent enjoys a full complement of procedural rights." *Id.* (citation omitted). The second phase is the dispositional phase, during which the court must determine whether the parent's rights should be terminated. *Id.*, ¶28. The best interests of the

children is the prevailing factor considered by the court in making this decision. WIS. STAT. § 48.426(2). In determining the best interests of the children, the court is required to consider the factors enumerated in § 48.426(3). *Julie A.B.*, 255 Wis. 2d 170, ¶4. We agree with counsel's assessment that there would be no arguable merit to a challenge to the fairness of the procedure afforded to R.M. in these cases.

The no-merit report also addresses whether there would be arguable merit to a challenge to R.M.'s no-contest plea to grounds. We agree that any challenge to R.M.'s plea would lack arguable merit. Before accepting R.M.'s plea to grounds, the circuit court conducted a plea colloquy that satisfied the court's duties to determine information such as R.M.'s ability to understand the proceedings, his understanding of the grounds for termination alleged in the petition, the direct consequences of his no-contest plea and the potential dispositions, and the constitutional rights he waived by entering a no-contest plea. *See Oneida County Department of Social Services v. Therese S.*, 2008 WI App 159, ¶¶5-6, 10-16, 314 Wis. 2d 493, 762 N.W.2d 122. At a subsequent hearing, the court heard testimony that established a factual basis to support the no-contest plea. *See id.*, ¶5. We agree with counsel's assessment that a challenge to R.M.'s plea to grounds would lack arguable merit.

Next, at the dispositional phase, the court heard and considered evidence pertinent to the statutory factors for determining the children's best interests. *See* WIS. STAT. § 48.426(2). The court explained its determination that, based on the application of the facts to the statutory factors, termination of R.M.'s parental rights was in the children's best interests. We agree with counsel's assessment that a challenge to the circuit court's exercise of discretion would lack arguable merit.

Upon our independent review of the record, we have found no other arguable basis for reversing the orders terminating R.M.'s parental rights. 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 of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Karen Lueschow is relieved of any further representation of R.M. in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*