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**DISTRICT I/II**

April 20, 2016

To:

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S.N.N.

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

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2016AP390-NM	In re the termination of parental rights to D.D.N., a person under the age of 18: State of Wisconsin v. S. N. N. (L.C. #2014TP295)
2016AP391-NM	In re the termination of parental rights to S.N.W. , a person under the age of 18: State of Wisconsin v. S. N. N. (L.C. #2014TP296)
2016AP392-NM	In re the termination of parental rights to S.N., a person under the age of 18: State of Wisconsin v. S. N. N. (L.C. #2014TP297)

Before Reilly, P.J.<sup>1</sup>

S.N.N. appeals from orders terminating her parental rights to three children. Appellate counsel for S.N.N. has filed a no-merit report pursuant to WIS. STAT. RULES 809.107(5m) and

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2013-14). Except as otherwise noted, all references to the Wisconsin Statutes are to the 2013-14 version.

809.32. S.N.N. was served with a copy of the report and advised of her right to file a response. No response has been received. Based upon an independent review of the report and records, this court concludes that no issue of arguable merit could be raised on appeal and affirms the orders.

In April 2013, S.N.N.'s children were found home alone and removed from S.N.N.'s home. The three children were then nine, four, and three years old. The children were found to be in need of protection and services (CHIPS) and dispositional orders placing the children outside of S.N.N.'s home included required warning about the termination of parental rights. The children have continuously been placed outside of S.N.N.'s home.

The termination of parental rights petitions were filed November 14, 2014. The alleged grounds for termination of S.N.N.'s parental rights were continuing CHIPS and failure to assume parental responsibility. *See* WIS. STAT. § 48.415(2), (6). On the day of the jury trial, S.N.N. waived her right to a jury trial. The trial to the court spanned five days. The court concluded both alleged grounds were proven. At the conclusion of the dispositional hearing, the court found that it was in the children's best interest to terminate S.N.N.'s parental rights.

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.* If grounds for termination are found to exist, the circuit court must find that the parent is unfit. *Id.*, ¶26. The second phase is the dispositional phase. *Id.*, ¶28. The court

must determine whether the parent's rights should be terminated. *Id.* The best interest of the child is the prevailing factor considered by the circuit court in making this decision. WIS. STAT. § 48.426(2). In determining the best interests of the children, the circuit court is required to consider the agency report and the factors enumerated in § 48.426(3). *Julie A.B.*, 255 Wis. 2d 170, ¶4. It is also entitled to consider other factors, including factors favorable to the parent. *Id.*

Counsel's no-merit report addresses as potential appellate issues whether S.N.N's waiver of her right to a jury trial was invalid, whether the evidence was insufficient to support the circuit court's determination that grounds for termination existed, and whether the dispositional decision was an erroneous exercise of discretion or otherwise failed to consider the best interests of the children. Our review of the records confirms counsel's conclusion that these potential issues lack arguable merit. The no-merit report sets forth an adequate description of the evidence, the trial procedure, and reasons supporting the court's exercise of discretion to support the no-merit conclusion. We need not address the potential claims further for to do so would only repeat that which is set forth in the no-merit report.

Although not discussed by the no-merit report, we have considered whether the circuit court's rulings on the pretrial motions to limit certain evidence were a proper exercise of discretion. We conclude no issue of arguable merit exists from those pretrial rulings or rulings on objections during the trial.

Our review of the records discloses no other potential issues for appeal.<sup>2</sup> Accordingly, we accept the no-merit report, affirm the orders terminating S.N.N.'s parental rights, and discharge appellate counsel of the obligation to represent her further in these appeals.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christine M. Quinn is relieved of any further representation of S.N.N. in these matters. *See* WIS. STAT. RULE 809.32(3).

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

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<sup>2</sup> We note that time limits set forth in WIS. STAT. ch. 48 for termination proceedings were not met. However, continuances “upon a showing of good cause in open court” are allowed. WIS. STAT. § 48.315(2). Failure to object to a continuance waives any challenge to the court’s competency to act during the continuance. Sec. 48.315(3). Each time a hearing was continued or set beyond the statutory time limit, the circuit court found cause to extend the time limit and no objection was made. There is no arguable merit to any claim related to the failure to comply with the statutory time limits.