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DISTRICT I

July 7, 2020

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

2020AP872-NM

In re the termination of parental rights to J.R.J., a person under the
age of 18: State of Wisconsin v. Y.G. (L.C. # 2018TP286)

Before Brash, P.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)(e) (2017-18). All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

Y.G. appeals a circuit court order that terminated her parental rights to J.R.J. Attorney Carl W. Chesshir has filed a no-merit report seeking to withdraw as appointed counsel for Y.G. *See* WIS. STAT. RULES 809.107(5m) and 809.32 and *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses whether there would be arguable merit to a challenge to Y.G.'s no-contest plea to grounds or to the circuit court's exercise of discretion in terminating Y.G.'s parental rights. Y.G. 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. Therefore, we summarily affirm.

On December 19, 2018, the State filed a petition to terminate Y.G.'s parental rights to J.R.J. The petition alleged the following grounds for termination: (1) J.R.J. was a child in continuing need of protection or services (CHIPS) under WIS. STAT. § 48.415(2); and (2) Y.G. had failed to assume parental responsibility under § 48.415(6). On February 3, 2020, Y.G. pled no-contest to grounds for termination based on CHIPS. The court held a dispositional hearing on February 6, 2020. At the conclusion of the dispositional phase, the court determined that termination of Y.G.'s parental rights was in J.R.J.'s best interest, and accordingly, terminated Y.G.'s parental rights.

First, we agree with counsel's assessment that a challenge to Y.G.'s plea to grounds would lack arguable merit. Before accepting Y.G.'s no-contest plea as to grounds, the circuit court conducted a plea colloquy that established such required information as Y.G.'s ability to understand the proceedings, her understanding of grounds based on CHIPS, the result of pleading to grounds, and the constitutional rights she would be waiving through her plea. *See Oneida Cty. DSS v. Therese S.*, 2008 WI App 159, ¶5, 314 Wis. 2d 493, 762 N.W.2d 122. The

court also established that Y.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 stipulate to grounds. *See id.* The court then established that there was a factual basis to support the plea, through the termination petition, CHIPS records, and testimony by the family case manager for J.R.J. *See id.* We discern no basis for a non-frivolous challenge to Y.G.'s plea.

Next, we agree with counsel that a challenge to the court's exercise of discretion in terminating Y.G.'s parental rights would lack arguable merit. At the dispositional phase, the court heard evidence as to the likelihood of J.R.J. being adopted by his current foster parents; J.R.J.'s age and health; the relationship between J.R.J. and any maternal relatives; J.R.J.'s apparent and expressed wishes; the length of time J.R.J. had been placed in foster care; and the likelihood that J.R.J. would enter a more stable family relationship if termination were granted. *See WIS. STAT. § 48.426(3).* The court considered each of the statutory factors relative to J.R.J.'s best interest in exercising its discretion. We discern no basis for a non-frivolous challenge to the court's decision.

Upon our independent review of the record, we have found no other arguable basis for reversing the order terminating Y.G.'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 order is summarily affirmed. *See WIS. STAT. RULE 809.21.*

IT IS FURTHER ORDERED that Attorney Carl W. Chesshir is relieved of any further representation of Y.G. in this matter. *See WIS. STAT. RULE 809.32(3).*

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

Sheila T. Reiff
Clerk of Court of Appeals