OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS
110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

October 14, 2025

To:

Hon. Laura Gramling Perez
Circuit Court Judge
Electronic Notice

Tammy Kruczynski
Juvenile Clerk
Milwaukee County Courthouse
Electronic Notice

Maria McCormack Lyon
Electronic Notice

Morgan Marisela Pehrson
Electronic Notice

Andrew William Boden
Legal Aid Society of Milwaukee
Electronic Notice

Division of Milwaukee Child Protective Services
Charmian Klyve
635 North 26th Street
Milwaukee, WI 53233-1803

Courtney L.A. Roelandts
Electronic Notice

K.E.

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

2024AP1115-NM In re the termination of parental rights to I.E., a person under the age of 18: State of Wisconsin v. K.E. (L.C. # 2023TP16)

Before Geenen, 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).

Keith appeals from an order terminating his parental rights to his child, Ivy.[2] Appellate counsel, Maria Lyon, has filed a no-merit report. *See* WIS. STAT. RULES 809.107(5m), 809.32;

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

[2] For ease of reading and to maintain confidentiality, we use pseudonyms for the child and parent in this case. *See* WIS. STAT. RULE 809.86(1).

see also ***Anders v. California***, 386 U.S. 738 (1967). Keith was advised of his right to file a response, but he has not responded. Based upon an independent review of the record and the no-merit report, this court concludes that an appeal would lack arguable merit. Therefore, the order terminating Keith's parental rights is summarily affirmed.

In May 2021, the Division of Milwaukee Child Protective Services (DMCPS) detained Ivy, then aged three, based on Keith's and Ivy's mother's ongoing drug problems and unsafe living conditions. Ivy was found to be a child in need of protection or services (CHIPS), and she was ultimately placed in foster care.

In January 2023, the State petitioned to terminate Keith's parental rights, alleging continuing CHIPS and failure to assume parental responsibility.[3] As relevant to this appeal, Keith pled no contest to the continuing CHIPS ground. The case proceeded to a prove-up hearing where the State presented evidence in support of the ground for termination. Ultimately, the circuit court found the State had satisfactorily demonstrated a basis for the continuing CHIPS ground.

The court then held a dispositional hearing. The State provided evidence to support its argument for termination of Keith's parental rights. Keith testified on his own behalf and offered testimony from his mother.

The circuit court concluded that termination of Keith's parental rights was in Ivy's best interests and subsequently entered an order to that effect. This no-merit appeal follows.

[3] The circuit court's termination of Ivy's mother's parental rights is not the subject of this appeal.

The no-merit report addresses potential issues of whether the circuit court erred when accepting Keith's plea and when terminating Keith's parental rights. Upon reviewing the record, we agree with counsel's analysis and conclusion that there is no arguable basis to pursue any of these issues. We briefly comment on them.

Before accepting a no-contest plea during the grounds phase of a termination-of-parental-rights case, the circuit court must first engage the parent in a colloquy consistent with the requirements of WIS. STAT. § 48.422(7) and ***Oneida County DSS v. Therese S.***, 2008 WI App 159, ¶5, ¶¶10-11, ¶16, 314 Wis. 2d 493, 762 N.W.2d 122. As a threshold matter, appellate counsel observes that during the colloquy the circuit court did not identify an adoptive resource for Ivy as required under § 48.422(7)(bm). However, counsel explains that testimony from the dispositional hearing established the identity of a proposed adoptive resource—Ivy's foster mother. *See* ***Waukesha Cnty. v. Steven H.***, 2000 WI 28, ¶58, 233 Wis. 2d 344, 607 N.W.2d 607 (holding that information necessary to support a no-contest plea may be presented through testimony at proceedings other than the plea hearing). We also observe that the permanency plan that was filed before Keith's plea indicated the permanence goal was adoption and identified Ivy's foster mother as a proposed adoptive resource. We agree with appellate counsel that there is no arguable merit to challenge Keith's no-contest plea on this basis.

The remainder of the court's plea colloquy sufficiently complied with the requirements of WIS. STAT. § 48.422(7) and ***Therese S.***, 314 Wis. 2d 493, ¶5, ¶¶10-11, ¶16. We therefore agree with counsel's analysis and conclusion that any challenge to the validity of Keith's plea would lack arguable merit.

The final step in accepting an admission or plea is for the circuit court to determine whether the State satisfactorily proved a factual basis for the allegations in the petition as to the grounds for termination of parental rights. *See* WIS. STAT. § 48.422(7). If a parent does not contest the allegations in the petition, a circuit court nevertheless "shall hear testimony in support of the allegations in the petition." Sec. 48.422(3). To prove that a child is in continuing need of protection or services, the State must show that the child has been placed out of the home for a cumulative total of more than six months pursuant to court orders containing the termination of parental rights notice; the applicable county department has made a reasonable effort to provide services ordered by the court; and the parent has failed to meet the conditions established in the order for the safe return of the child to the parent's home. *See* WIS. STAT. § 48.415(2)(a).

Here, during the prove-up following Keith's plea, the case manager testified that, as part of Keith's dispositional order in the CHIPS case, Keith was required, but failed, to comply with various conditions of return. As one example, one condition for return was that Keith control his substance abuse disorder, but he was unsuccessfully discharged from a treatment center and had not submitted to any urinalysis tests since discharge. Keith also did not meet the condition to keep a safe and clean home because he was either homeless, living in a tent, living in a storage unit, or staying with friends. The case manager also testified that a few days before the hearing, she was told Keith had a residence but it needed to be cleaned and it lacked running water. Our review of the record, which includes the case manager's testimony and documentary evidence, confirms that the State established the factual basis for the finding that grounds existed to terminate Keith's parental rights. There is no arguable merit to a challenge to the sufficiency of the evidence to support the termination petition.

The no-merit report also discusses whether the circuit court erroneously exercised its discretion when it terminated Keith's parental rights. The ultimate decision whether to terminate parental rights is discretionary. ***State v. H.C.***, 2025 WI 20, ¶20, 416 Wis. 2d 233, 21 N.W.3d 330. The circuit court must consider the factors set forth in WIS. STAT. § 48.426, giving paramount consideration to the best interests of the child. *See* ***Gerald O. v. Cindy R.***, 203 Wis. 2d 148, 153-54, 551 N.W.2d 855 (Ct. App. 1996).

Here, the record reflects that the circuit court expressly considered the relevant factors in light of the evidence as to Ivy, made a number of factual findings based on the evidence presented, and reached a reasonable decision. In making its determination, the court observed that, based on the evidence offered at the hearing, Ivy was now "thriving," receiving therapy and services that she had not had while in Keith's care, had a diminished relationship with Keith and other family members, had been out of the home for three years (which was significant in light of her young age), referred to her foster mother as "mom," and there was a likelihood of adoption by Ivy's foster mom. We therefore agree with appellate counsel's conclusion that there is no arguable merit to a claim that the circuit court erroneously exercised its discretion in deciding to terminate Keith's parental rights to Ivy.

Finally, although not discussed in the no-merit report, we also consider whether there would be arguable merit to further proceedings based on the circuit court's failure to adhere to statutory time limits. The time limits in WIS. STAT. ch. 48 cannot be waived. *See* ***State v. April O.***, 2000 WI App 70, ¶5, 233 Wis. 2d 663, 607 N.W.2d 927. Nevertheless, continuances are permitted for good cause, *see* WIS. STAT. § 48.315(2), and the failure to object to a continuance waives any challenge to the court's competency to act during the continuance, *see* § 48.315(3). Here, the record reflects that all of the mandatory time limits were either complied

with or extended for good cause, without objection, to accommodate the parties' schedules and the need for the parents to receive counsel. Any challenge to the court proceedings based upon a failure to comply with the statutory time limits would be without arguable merit on appeal.

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

IT IS ORDERED that the order is summarily affirmed.

IT IS FURTHER ORDERED that Attorney Maria Lyon is relieved of further representation of Keith in this matter.

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

Samuel A. Christensen
Clerk of Court of Appeals