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DISTRICT I

October 21, 2025

To:

Hon. Joseph R. Wall
Circuit Court Judge
Electronic Notice

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Milwaukee County Courthouse
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J.L.O.

Courtney L.A. Roelandts
Electronic Notice

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

2024AP568-NM In re the termination of parental rights to S.L.L., a person under the age of 18: State of Wisconsin v. J.L.O. (L.C. # 2022TP166)

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).

[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.

Joan, by counsel, appeals the circuit court order terminating her parental rights to her child, Sean.[2] Attorney Jill Marie Skwor, appointed counsel for Joan, has filed a no-merit report pursuant to WIS. STAT. RULES 809.107(5m) and 809.32. Joan was informed of her right to respond to the report and has filed a response. Upon consideration of the report, and an independent review of the record as required 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. Therefore, we summarily affirm the circuit court's order. *See* WIS. STAT. RULE 809.21.

Sean was born on May 13, 2021, and was detained by the Division of Milwaukee Child Protective Services (DMCPS) the following day after both he and Joan tested positive for marijuana. In September 2022, the State filed the underlying petition to terminate Joan's parental rights to Sean. The State alleged the continuing need of protection or services for Sean, pursuant to WIS. STAT. § 48.415(2), and Joan's failure to assume parental responsibility, pursuant to § 48.415(6).

The matter proceeded to a jury trial for the grounds phase of the proceedings, at which the DMCPS initial assessment senior specialist, the ongoing case manager, and Joan all testified.

The DMCPS representative testified that the department responded to a referral made in October 2020 when Joan was pregnant due to concerns about Joan's mental health. Joan exhibited bizarre behavior, consistent with her reported, uncontrolled, schizophrenic diagnosis. Ultimately, DMCPS did not take any action on that referral; however, a second referral was made in May 2021 immediately after Joan gave birth to Sean because Sean had tested positive

[2] We use pseudonyms in this matter pursuant to WIS. STAT. RULE 809.81(8).

for marijuana. The DMCPS representative testified that Joan admitted to smoking marijuana during her pregnancy, was exhibiting bizarre behaviors at the hospital, and had an untreated mental illness.

Joan testified at length, telling the jury that she was mostly compliant with her mental health medications, but that there were multiple occasions on which she was not compliant. She stated that she understood the conditions for Sean's return, which included AODA treatment, participation in therapy, a parenting class, regular visits with Sean, and learning to prioritize Sean. She also stated that while she completed the parenting class, she was aware that she had not met all of the conditions for Sean's return.

Joan's ongoing case manager also testified, telling the jury that Joan's visits with Sean did not progress beyond supervised visits, that Joan's mental health remained a concern, and that there were ongoing safety concerns regarding the state of Joan's home.

The jury determined that the State had met its burden in establishing that grounds existed to terminate Joan's parental rights. Accordingly, the circuit court found Joan unfit to parent Sean.

The matter proceeded to the disposition phase where the circuit court heard testimony from the ongoing case manager, Sean's foster mother, Joan's mother and sister, and Sean's father. The circuit court ultimately found that it was in Sean's best interests to terminate Joan's parental rights. This no-merit appeal follows.

Appellate counsel's no-merit report first addresses whether there would be any merit to assert that the circuit court failed to follow the statutory requirements regarding time limits

resulting in a loss of competency. *See* ***Sheboygan Cnty. DSS v. Matthew S.***, 2005 WI 84, ¶18, 282 Wis. 2d 150, 698 N.W.2d 631 (stating that "[w]hile all time limits set forth in the Children's Code are intended to be mandatory, the legislature provided that noncompliance with the time limits may not always result in the loss of competency" if the time limits are "delayed, continued, or extended" pursuant to WIS. STAT. § 48.315). Our review of the record satisfies us that, to the extent the statutory time limits were not followed in this case, they were tolled for sufficient cause. Accordingly, there would be no arguable merit to a claim that Joan is entitled to relief based on any failure to comply with the statutory time limits.

Appellate counsel's no-merit report next addresses whether there would be arguable merit to a claim that the petition itself failed to meet the requirements for a petition to terminate parental rights pursuant to WIS. STAT. § 48.42(1). Upon review of the petition and the statutory requirements, we agree with counsel's assessment that there is no merit to any argument that the petition failed to meet the statutory requirements.

Appellate counsel's no-merit report next addresses whether any reversible errors occurred prior to or during the grounds phase of trial. Appellate counsel thoroughly considered numerous issues, including pretrial matters, jury selection, evidentiary rulings, jury instructions, and Joan's motions for a directed verdict and judgment notwithstanding the verdict. We have independently reviewed the record and agree with counsel's legal analysis and determination that no issues of arguable merit arise from pretrial matters or matters that occurred during trial.

The no-merit report next addresses whether there would be arguable merit to a claim that there was insufficient evidence to support the jury's findings as to grounds, and in turn, whether the circuit court properly made a finding of unfitness. Grounds for termination must be

established by clear and convincing evidence. *See* WIS. STAT. §§ 48.424(2) and 48.31(1). A jury's determination that grounds for termination exist will be upheld so long as there is any credible evidence to support that determination. *See* ***State v. Quinsanna D.***, 2002 WI App 318, ¶30, 259 Wis. 2d 429, 449, 655 N.W.2d 752. "When reviewing a jury's verdict, we consider the evidence in the light most favorable to the verdict." ***Tammy W-G. v. Jacob T.***, 2011 WI 30, ¶39, 333 Wis. 2d. 273, 797 N.W.2d 854. The credibility of the witnesses and the weight to give their testimony is a matter left to the jury. ***State v. Wilson***, 149 Wis. 2d 878, 894, 440 N.W.2d 534 (1989).

When a termination petition alleges as grounds that a child is in continuing need of protection or services, the State must prove 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. WIS. STAT. § 48.415(2)(a). To prove grounds based on failure to assume parental responsibility, the State was required to prove that Joan "[has] not had a substantial parental relationship with the child," where "substantial parental relationship" is defined as "the acceptance and exercise of significant responsibility for the daily supervision, education, protection and care of the child." *See* § 48.415(6); WIS JI—CHILDREN'S 346. The no-merit report details the testimony of the DMCPS representative who responded to the May 2021 referral, the ongoing case manager, and Joan herself. This court agrees with counsel's assessment that a challenge to the sufficiency of the evidence supporting the jury's

findings as to grounds, and subsequently, a challenge to the circuit court's finding of unfitness, would lack arguable merit.[3]

Appellate counsel next addresses whether there would be arguable merit to challenges relating to the disposition phase of these proceedings. The decision to terminate parental rights lies within the circuit court's discretion. *See* ***Gerald O. v. Cindy R.***, 203 Wis. 2d 148, 152, 551 N.W.2d 855 (Ct. App. 1996). The prevailing factor is the child's best interests. *See* WIS. STAT. § 48.426(2). In considering the best interests of the child, a circuit court must consider: (1) the likelihood of adoption after termination; (2) the age and health of the child; (3) whether the child has a substantial relationship with the parent or other family members, and whether it would be harmful to the child to sever these relationships; (4) the wishes of the child; (5) the duration of the separation of the parent from the child; and (6) whether the child will be able to enter into more stable and permanent family relationships as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placement, and the results of prior placements. Sec. 48.426(3).

At the disposition hearing, the circuit court heard testimony from the ongoing case manager, Sean's foster mother, who was also his adoptive resource, Joan's mother and sister, and Sean's father. Upon consideration of the relevant factors, the circuit court ultimately determined that termination was in Sean's best interests. Our review of the record satisfies us that the circuit

[3] We note that when the State alleges multiple grounds on which a parent is unfit, the circuit court must find the parent unfit upon proof of one of those grounds. *See* ***Steven V. v. Kelley H.***, 2004 WI 47, ¶25, 271 Wis. 2d 1, 678 N.W.2d 856; *see also* WIS. STAT. § 48.415 ("Grounds for termination of parental rights shall be *one* of the following" (emphasis added)). Though we need not review the sufficiency of the evidence for both grounds alleged by the State, the no-merit report concludes that the evidence was sufficient to establish both grounds. For completeness, we have reviewed the record for the sufficiency of evidence as to both grounds.

court properly exercised its discretion. The circuit court examined the relevant facts, applied the correct legal standard, and used a rational process to reach a reasonable conclusion. *See* ***Gerald O.***, 203 Wis. 2d at 152. An appellate challenge to the circuit court's decision to terminate Joan's parental rights would lack arguable merit.

In her response, Joan asserts her love for Sean, states that she has secured housing, and expresses her wish to reunite with her son. We note that throughout the proceedings, Joan's love for her son was never in doubt. However, the record supports the circuit court's decision to terminate Joan's parental rights and we have not discerned any meritorious grounds for an appeal.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Jill Marie Skwor is relieved of further representation of Joan in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals