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DISTRICT I

February 6, 2026

To:

Hon. Joseph R. Wall
Circuit Court Judge
Electronic Notice

Tammy Kruczynski
Juvenile Clerk
Milwaukee County Courthouse
Electronic Notice

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

E.F.

Courtney L.A. Roelandts
Electronic Notice

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

2024AP1147-NM	In re the termination of parental rights to D.F.-L., a person under the age of 18: State of Wisconsin v. E.F. (L.C. # 2021TP253)
2024AP1155-NM	In re the termination of parental rights to D.W., a person under the age of 18: State of Wisconsin v. E.F. (L.C. # 2021TP254)

Before Colón, 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] These appeals were consolidated for briefing and disposition by order dated July 11, 2024, and are 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.

To the extent that the 30-day time limit in WIS. STAT. RULE 809.107(6)(e) applies, we extend the deadline on our own motion to the date this decision is issued. *See* WIS. STAT. RULE 809.82(2)(a).

In these consolidated appeals, E.F. seeks review of orders involuntarily terminating her parental rights (TPR) to her non-marital children D.F.-L. and D.W. E.F.'s appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULES 809.107(5m) and 809.32, as well as ***Anders v. California***, 386 U.S. 738 (1967).[2] E.F. has filed a response.[3] After considering the no-merit report and response, and following an independent review of the appellate record, we conclude there are no issues of arguable merit for review. Accordingly, we summarily affirm. *See* WIS. STAT. RULE 809.21.

D.F.-L. and D.W. were removed from E.F.'s care after D.W. arrived home on the bus from school and there was no one to receive him. E.F. did not know D.W. was missing until the Division of Milwaukee Child Protective Services (DMCPS) became involved and was able to contact her at approximately 8:30 p.m. A DMCPS investigation concluded that E.F. had cognitive limitations and was consistently leaving the children in the care of inappropriate caregivers. D.F.-L. and D.W. were found to be children in need of protection or services (CHIPS) following a December 19, 2019 dispositional hearing.

The State filed TPR petitions on November 9, 2021, alleging as grounds continuing CHIPS and failure to assume parental responsibility. At the hearing on the petition on December 8, 2021, E.F. appeared with counsel and acknowledged receiving copies of the petitions. The

[2] As explained below, this appeal originally proceeded as a merits appeal and was converted to a no-merit appeal at the appellant's request following the Wisconsin Supreme Court's decision in ***State v. H.C.***, 2025 WI 20, 416 Wis. 2d 233, 21 N.W.3d 330.

[3] The response does not appear to contain legal argument, but rather is a request for information about the children's health, adoption status and general outlook. This court does not have information about those matters beyond what is contained in the appellate record, and we encourage E.F. to contact her attorney with requests for current information.

circuit court explained the TPR process as encompassing a grounds phase and a disposition phase, with additional explanation about what each of those phases entailed and the parents' rights attendant to them. E.F. denied the allegations and the matters were set for grounds-phase trials.

The trial date was adjourned at E.F.'s request to conduct additional discovery. E.F. subsequently entered no-contest pleas to the ground of continuing CHIPS as to each child. The circuit court engaged E.F. in a thorough colloquy, during which E.F. confirmed she understood that the disposition was a separate proceeding at which the best-interest-of-the-child standard would control, that the State bore the burden of proof in the grounds phrase by clear and convincing evidence, and that the State would have to prove three elements, which the court also explained. The court also requested that E.F. confirm her age, education level, mental state, understanding of the proceedings and understanding the rights she was foregoing by entering a no contest plea. The court accepted E.F.'s pleas and, at a separate prove-up hearing, concluded that the State had established the elements of the continuing CHIPS ground for termination.

At the dispositional hearing, the children's foster parent testified that D.F.-L. suffers from cognitive disabilities and had struggled academically, while D.W.'s speech and basic skills were delayed. The children's caseworker testified the children's health and behaviors had improved significantly since they were removed from E.F.'s care. She testified it would be "extremely detrimental" to the children to remove them from the foster placement. The children were "extremely close" with one another and bonded with their foster family, but because of a prior bad adoption experience and the children's ages, the family was amenable only to guardianships. The caseworker testified the agency was supporting termination despite there not being a strong likelihood of adoption, because it believed future litigation initiated by E.F. in a guardianship-

only scenario (including on visitation matters) would undermine the children's stability and place added stress on them.

The case worker further testified that although the children loved E.F. and members of their biological family, they had only a "visitation relationship" with them. The children occasionally expressed an interest in living with E.F. E.F. testified; she agreed that the children were well-cared for by the foster parents and stated she preferred a guardianship arrangement with them.

The circuit court concluded that termination was in D.F.-L. and D.W.'s best interests. The court acknowledged that adoption was unlikely and that the children had at times expressed a desire to live with their mother. However, the court identified several factors supporting termination, including the children's success in their current placement, their lack of a substantial relationship with E.F., and the possibility that E.F. would prompt additional court involvement in guardianships if termination was not granted. The court also concluded that the children would suffer minimal harm from termination given the amount of time they had been removed from E.F.'s care and in their current placement. The court ordered a temporary transfer of guardianship to DMCPS pending further action.

E.F., by trial counsel, filed notices of intent to pursue postdisposition relief. E.F. appealed, raising in her brief the sole issue of the burden of proof at disposition. The State and the guardian *ad litem* jointly petitioned the Wisconsin Supreme Court for bypass and consolidation with ***State v. H.C.***, 2025 WI 20, 416 Wis. 2d 233, 21 N.W.3d 330. The supreme court denied consolidation but held the bypass petition in abeyance pending the disposition of ***H.C.*** After the decision in that case issued resolving the question of the burden of proof at

disposition, the supreme court denied bypass and these matters were converted to no-merit appeals.

The no-merit report addresses whether the circuit court complied with all mandatory time limits, including the 30-day time limit for holding an initial hearing, *see* WIS. STAT. § 48.422(1), the 45-day time limit for holding a fact-finding hearing, *see* § 48.422(2), and the 45-day time limit for holding a dispositional hearing, *see* WIS. STAT. § 48.424(4). Throughout the proceedings, the circuit court found good cause to toll the relevant time periods. In any event, objections to competency are forfeited if not raised, and the failure by the court to act within any of WIS. STAT. ch. 48's designated time periods "does not deprive the court of personal or subject matter jurisdiction or of competency to exercise that jurisdiction." WIS. STAT. § 48.315(3).

The no-merit report further addresses the validity of E.F.'s no-contest pleas in the grounds phase, including the adequacy of the statutorily required plea colloquy and whether the pleas were knowingly, intelligently and voluntarily entered. *See* WIS. STAT. § 48.422(7). The colloquy, coupled with the testimony at the prove-up hearing, established a factual basis for E.F.'s stipulation in the grounds phase. *See* ***Waukesha Cnty. v. Steven H.***, 2000 WI 28, ¶56, 233 Wis. 2d 344, 607 N.W.2d 607, *holding on other grounds clarified by* ***St. Croix Cnty. Dep't of Health & Hum. Servs. v. Michael D.***, 2016 WI 35, 368 Wis. 2d 170, 880 N.W.2d 107; *see also* § 48.422(3). Our review of the appellate record satisfies us that the no-merit report sufficiently

analyzes these issues and properly concludes that any challenge based upon them would lack arguable merit.[4]

The no-merit report also addresses whether there would be any arguable basis for challenging the circuit court's decision to terminate E.F.'s parental rights. The decision to terminate a parent's rights is discretionary and the best interest of the child is the prevailing standard. ***Gerald O. v. Cindy R.***, 203 Wis. 2d 148, 152-53, 551 N.W.2d 855 (Ct. App. 1996). The court considers multiple factors, including, but not limited to:

> (a) The likelihood of the child's adoption after termination.
>
> (b) The age and health of the child, both at the time of the disposition and, if applicable, at the time the child was removed from the home.
>
> (c) Whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever these relationships.
>
> (d) The wishes of the child.
>
> (e) The duration of the separation of the parent from the child.
>
> (f) Whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placements and the results of prior placements.

WIS. STAT. § 48.426(3).

[4] The no-merit report acknowledges that the circuit court failed to inquire about whether a proposed adoptive parent for the child had been identified. *See* WIS. STAT. § 48.422(7)(bm). Because the evidence at disposition established that adoption was not being contemplated, the circuit court's failure to establish whether an adoptive resource had been identified during the plea colloquy does not provide an arguably meritorious basis for postdisposition relief. *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 agree with counsel's conclusion that there is no arguable merit to any challenge to the circuit court's decision to terminate E.F.'s parental rights to D.F.-L. and D.W. The court's decision gave explicit consideration to each of the relevant factors identified in WIS. STAT. § 48.426(3) and calibrated those factors to the overall "best interests" standard. There appears on this record no nonfrivolous basis for asserting the court erroneously exercised its discretion when determining whether termination was in D.F.-L.'s and D.W.'s best interests.

Our review of the record discloses no other potential issues for appeal. We therefore accept the no-merit report, affirm the order terminating E.F.'s parental rights to D.F.-L. and D.W., and discharge appellate counsel of the obligation to represent E.F. further in this appeal.

Based on the foregoing,

IT IS ORDERED that the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Olivia Garman is relieved of further representation of E.F. in these matters. *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