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DISTRICT I

October 20, 2026

To:

Hon. Ronnie V. Murray II
Circuit Court Judge
Electronic Notice

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Juvenile Clerk
Milwaukee County Courthouse
Electronic Notice

Katie L. Gutowski
Electronic Notice

David Malkus
Electronic Notice

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

E. H.

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

2026AP1900-NM	In re the termination of parental rights to A.T.H., a person under the age of 18: State of Wisconsin v. E.H. (L.C. # 2024TP157)
2026AP1901-NM	In re the termination of parental rights to A.M.R., a person under the age of 18: State of Wisconsin v. E.H. (L.C. # 2024TP158)
2026AP1902-NM	In re the termination of parental rights to N.A.H., a person under the age of 18: State of Wisconsin v. E. H. (L.C. # 2024TP159)

Before Petrashek, 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).

E.H. appeals from orders terminating her parental rights to her three daughters A.T.H., A.M.R., and N.A.H. Appellate counsel, David Malkus, has filed a consolidated no-merit report.

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.

See WIS. STAT. RULE 809.107(5m), 809.32; see also *Anders v. California*, 386 U.S. 738 (1967). E.H. was advised of her right to file a response, but she has not responded. Based upon our independent review of the records and the no-merit report, this court concludes that there are no arguably meritorious issues to pursue on appeal, and the orders terminating E.H.’s parental rights are summarily affirmed. See WIS. STAT. RULE 809.21.

Then-eight-year-old A.M.R., three-year-old N.A.H., and three-month-old A.T.H. were removed from the parental home in January 2022. They were adjudicated children in need of protection or services (CHIPS) based on neglect or risk of neglect in March 2023. In August 2024, the State filed the underlying petitions to terminate E.H.’s parental rights, alleging two grounds for termination: continuing CHIPS and failure to assume parental responsibility.² See WIS. STAT. § 48.415(2), (6). A jury trial began, but a mistrial was declared when the presiding judge became ill and could not continue the trial. E.H. subsequently entered a no contest plea to the continuing CHIPS ground for each child. Following a dispositional hearing, the circuit court terminated E.H.’s parental rights. E.H. appeals.

The no-merit report first discusses whether “[m]andatory time limits were complied with or properly extended for good cause.” These time limits include 30 days for holding an initial hearing, 45 days for holding a fact-finding hearing, and 45 days for holding a dispositional hearing. See WIS. STAT. §§ 48.422(1)-(2), 48.424(4). Here, the records reflect that time limits were either complied with or continued for good cause, without objection. See WIS. STAT. § 48.315(2). In any event, failure of the court to act within any of the designated time periods

² The petitions also sought to terminate the parental rights of each child’s father.

“does not deprive the court of personal or subject matter jurisdiction or of competency to exercise that jurisdiction.” WIS. STAT. § 48.315(3). Accordingly, there are no arguably meritorious issues relating to the mandatory time limits.

The no-merit report next discusses whether there is any merit to “appealing the validity of E.H.’s pleas.” Before accepting a no-contest plea to a termination petition, the circuit court must engage the parent in a colloquy under WIS. STAT. § 48.422(7). See **Oneida Cnty. DSS v. Therese S.**, 2008 WI App 159, ¶5, 314 Wis. 2d 493, 762 N.W.2d 122. The circuit court must: (1) address the parent and determine that the admission is made voluntarily, with an understanding of the nature of the acts alleged in the petition and the potential dispositions; (2) establish whether any promises or threats were made to secure the plea; (3) establish whether a proposed adoptive resource for the children has been identified; (4) establish whether any person has coerced a parent to refrain from exercising his or her parental rights; and (5) determine whether there is a factual basis for the grounds alleged in the petition. See § 48.422(7). The circuit court must also ensure that the parent understands the constitutional rights being given up with the plea, see **Therese S.**, 314 Wis. 2d 493, ¶5, and that the plea will result in a finding of parental unfitness, see **id.**, ¶10. As in a criminal case, the colloquy is required to ensure that the plea is knowing, intelligent, and voluntary and, thus, constitutionally adequate. See **Brown Cnty. v. Brenda B.**, 2011 WI 6, ¶35, 331 Wis. 2d 310, 795 N.W.2d 730; **State v. Bangert**, 131 Wis. 2d 246, 265-66, 389 N.W.2d 12 (1986).

Our review of the no-merit report and the records satisfies us that appellate counsel has appropriately analyzed this issue, including whether a sufficient factual basis exists for the pleas.

We thus agree with counsel's conclusion that there is no arguable merit to seeking plea withdrawal or otherwise challenging the validity of E.H.'s pleas.

Finally, appellate counsel discusses whether the circuit court "erroneously exercise[d] its discretion when terminating E.H.'s parental rights." This court agrees with appellate counsel's conclusion that there is no arguable merit to this issue. "The ultimate decision whether to terminate parental rights is discretionary." **Gerald O. v. Cindy R.**, 203 Wis. 2d 148, 152, 551 N.W.2d 855 (Ct. App. 1996). The circuit court must consider the factors set forth in WIS. STAT. § 48.426, giving paramount consideration to the best interest of the child. See **Gerald O.**, 203 Wis. 2d at 153-54. Here, the record reflects that the circuit court expressly considered the relevant factors, made a number of factual findings based on the evidence presented, and reached a reasonable decision. Thus, any challenge to the circuit court's decision to terminate E.H.'s parental rights would lack arguable merit.

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

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney David Malkus is relieved from further representation of E.H. 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