



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 II

August 21, 2019

To:

Hon. Jodi L. Meier
Circuit Court Judge
Kenosha County Courthouse
912 56th St.
Kenosha, WI 53140

Kayla Wolf
Juvenile Clerk
Kenosha County Courthouse
912 56th St.
Kenosha, WI 53140

Mary M. Hart
Asst. District Attorney
Molinaro Bldg.
912 56th St.
Kenosha, WI 53140

Karen Lueschow
Attorney at Law
1222 E. Washington Ave., #332
Madison, WI 53703

Michael J. Masnica
Rizzo & Diersen, S.C.
6127 Green Bay Rd., Ste. 400
Kenosha, WI 53142

J.J.P.
5020 18th Ave.
Kenosha, WI 53140

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

2019AP1205-NM In re the termination of parental rights to J.U.C., a person under the
age of 18: Kenosha County DHS v. J.J.P. (L.C. #2018TP10)

Before Neubauer, C.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).

J.J.P. appeals from an order granting an involuntary termination of her parental rights (TPR) to her child, J.U.C. J.J.P.'s appellate counsel has filed a no-merit report pursuant to WIS.

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.

STAT. RULES 809.107(5m) and 809.32, *Anders v. California*, 386 U.S. 738 (1967), and *Brown County v. Edward C.T.*, 218 Wis. 2d 160, 161, 579 N.W.2d 293 (Ct. App. 1998) (per curiam). J.J.P. received a copy of the report and was advised of her right to file a response but has not done so. After considering the no-merit report and independently reviewing the record, we conclude there are no issues with arguable merit for appeal. Accordingly, we summarily affirm the order. *See* WIS. STAT. RULE 809.21.

J.U.C. is a nonmarital child.² She was found to be a child in need of protection or services (CHIPS) when she was eight months old, but remained in J.J.P.'s care. When J.U.C. was twenty-three months old, she was placed outside of J.J.P.'s home and put into foster care. She was nearly five years old when the TPR petition alleging continuing CHIPS was filed. She has resided in the same foster home the entire time. The foster parents are the adoptive resource.

J.J.P. waived her right to a jury trial and entered a no contest plea. The court adjourned the dispositional hearing for good cause three times at the request of J.J.P.'s attorney and with J.J.P.'s express waiver of the time limits; neither the assistant district attorney nor the guardian ad litem objected. *See* WIS. STAT. § 48.424(4)(a).

Counsel's no-merit report addresses as potential appellate issues whether the circuit court met its obligations under WIS. STAT. § 48.422(2), (6)(a), and (7); whether J.J.P.'s no contest plea to the continuing CHIPS ground at the unfitness phase of the TPR was knowingly, intelligently,

² Paternity never has been established. J.J.P.—unmarried when she conceived and gave birth to J.U.C.—claims not to know the father's identity, no Declaration of Paternal Interest is on file with the state Department of Health and Family Services, and no paternity action has been filed.

and voluntarily made;³ whether the court lost competency to proceed when the dispositional hearing was held almost six months after the court accepted J.J.P.'s no contest plea; and whether sufficient credible evidence supported the court's finding of parental unfitness and its dispositional decision, such that the court did not erroneously exercise its discretion or otherwise fail to consider the child's best interests under WIS. STAT. § 48.426. As the no-merit report capably discusses these potential issues to support the no-merit conclusion, we need not address them further. Our review of the record both confirms counsel's conclusion that these potential issues lack arguable merit and discloses no other potential issues for appeal. Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Karen Lueschow is relieved of any further representation of J.J.P. 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

³ TPRs are civil proceedings and the right to a jury trial is a statutory, not constitutional, right. *Steven V. v. Kelley H.*, 2004 WI 47, ¶¶32, 34, 271 Wis. 2d 1, 678 N.W.2d 856. Although the circuit court is not obliged to engage in a personal colloquy when a parent waives his or her right to a jury trial, *Racine Cty. Human Servs. Dep't v. Latanya D.K.*, 2013 WI App 28, ¶21, 346 Wis. 2d 75, 828 N.W.2d 251, the court here undertook a careful colloquy to ensure that J.J.P.'s waiver was knowingly, intelligently, and voluntarily made. The no-merit report does not consider J.J.P.'s waiver of her right to a jury trial as a discrete issue, but fully addresses it in the context of whether her no contest plea was knowingly, intelligently, and voluntarily made.