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**DISTRICT I**

September 16, 2019

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C. W, 562153

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

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2019AP1163-NM	State of Wisconsin v. C.W. (L.C. # 2018TP0011)
2019AP1164-NM	State of Wisconsin v. C.W. (L.C. # 2018TP0012)
2019AP1165-NM	State of Wisconsin v. C.W. (L.C. # 2018TP0013)

Before Kessler, JJ.

**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).**

C.W. appeals orders terminating her parental rights to her children, A.W., I.J., and T.J.

Attorney Len Kachinsky has filed a consolidated no-merit report seeking to withdraw as

appellate counsel. *See* WIS. STAT. RULE 809.32 (2017-18);<sup>1</sup> *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses whether there were any procedural defects in the proceedings, whether the circuit court properly accepted C.W.'s admission to the grounds for termination of her parental rights, and whether the court erroneously exercised its discretion in terminating C.W.'s parental rights. C.W. was sent a copy of the report, and has not filed a response. Based upon an independent review of the records and the no-merit report, this court concludes that any appeal would lack arguable merit. Therefore, the orders terminating C.W.'s parental rights are summarily affirmed. *See* WIS. STAT. RULE 809.21.

### **Background**

Petitions to terminate C.W.'s parental rights were filed on January 19, 2018, alleging two grounds as to each child: continuing need of protection and services (continuing CHIPS) and failure to assume parental responsibility. *See* WIS. STAT. § 48.415(2), (6). Counsel was appointed to represent C.W. C.W. requested a substitution of judge, and the request was granted. An adjourned initial appearance was held on the petitions in front of the successor judge, and C.W. requested a jury trial.

C.W.'s counsel withdrew due to a conflict of interest, and successor counsel was appointed to represent C.W. At the hearing scheduled for a jury trial, C.W. entered an admission to the grounds for termination of parental rights on the basis of continuing CHIPS. An adoptability report was later filed as to each child. Disposition hearings were held on February

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

7, 2019 and April 5, 2019. Following the hearings, the circuit court entered written orders terminating parental rights as to each child on April 9, 2019. C.W. now appeals.

### **Discussion**

The no-merit report first addresses whether there were any defects in the proceedings that would give rise to an arguably meritorious appellate issue. The record indicates that the time limits set forth in WIS. STAT. ch. 48 for termination proceedings were either met or, in the instances they were not met, were extended upon a finding of good cause, consistent with WIS. STAT. § 48.315(2). This court's independent review of the record reveals no arguably meritorious issue related to a failure to comply with the statutory time limits or any other procedural defect.

Next, counsel's no-merit report addresses as potential appellate issues whether the circuit court met its obligations under WIS. STAT. § 48.422(7) in accepting C.W.'s no-contest plea to the continuing CHIPS ground as to each child, and whether that plea was knowingly and voluntarily made. This court's review of the record confirms counsel's conclusion that these potential issues lack arguable merit. The record contains a plea colloquy in which the circuit court ascertained that C.W. understood the process and the rights she was waiving by admitting the grounds of continuing CHIPS. The record also reflects that the circuit court took judicial notice of the orders in the underling CHIPS cases. In addition, the court elicited testimony from Alice Hibbler, the case manager for the CHIPS cases. Hibbler testified that the children had been placed out of the home on a CHIPS order for almost three years, that C.W. had not complied with the conditions of the CHIPS orders, and that it was her opinion that it was not substantially likely that C.W. would meet the conditions within nine months. The circuit court entered a

finding that the State had established by clear and convincing evidence that grounds existed for termination of parental rights. This court agrees with counsel's conclusion that there would be no arguable merit to challenging that finding.

The no-merit report also addresses whether there would be any arguable merit to a claim that the circuit court erroneously exercised its discretion in terminating C.W.'s parental rights. The record indicates that the court correctly considered the best interests of the child standard and the factors set out in WIS. STAT. § 48.426(3). The court discussed the children's adoptability, age and health, noting the likelihood of adoption by the children's foster parents. The court also emphasized the children's need for a stable environment, noting the trauma the children had suffered when they were in the care of their parents. In short, the record shows that the trial court reasonably applied the proper legal standard to the facts of record when reaching its disposition.

This court's independent review of the record reveals no other arguably meritorious grounds for an appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

IT IS ORDERED that the orders terminating C.W.'s parental rights to A.W., I.J., and T.J. are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Len Kachinsky is relieved of any further representation of C.W. in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*