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**DISTRICT I**

October 12, 2021

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Courtney L.A. Roelandts  
Electronic Notice

T.L.T.

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

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2021AP1127-NM	State of Wisconsin v. T.L.T. (L.C. # 2019TP13)
2021AP1128-NM	State of Wisconsin v. T.L.T. (L.C. # 2019TP14)

Before Dugan, J.<sup>1</sup>

**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).**

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<sup>1</sup> These appeals are decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2019-20). All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

Counsel for T.L.T. has filed a no-merit report pursuant to WIS. STAT. RULE 809.32, concluding that there is no arguable merit to any issue that could be raised on these consolidated appeals from orders concerning termination of parental rights to her sons, C.P. and P.P. T.L.T. was advised of her right to file a response to the report and has not responded. The no-merit report discusses numerous issues, including statutory deadlines; whether the circuit court complied with the requirements of WIS. STAT. § 48.422(3), that it hear testimony in support of the petitions if the allegations are not contested; whether T.L.T.'s pleas were knowing, intelligent, and voluntary; whether T.L.T. was able to meaningfully participate in the proceedings; whether the court erroneously exercised its discretion when it terminated T.L.T.'s parental rights; and whether T.L.T. received ineffective assistance of counsel. Upon an independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), this court agrees with counsel that no issues of arguable merit appear. Therefore, the orders terminating parental rights are summarily affirmed. WIS. STAT. RULE 809.21.

Amended petitions for termination of parental rights were filed on grounds of children in continuing need of protection or services (CHIPS) and failure to assume parental responsibilities. Following an extended colloquy during the grounds phase, T.L.T. entered a plea of no contest as to continuing CHIPS grounds as to both children, under WIS. STAT. § 48.415(2). The guardian ad litem (GAL) agreed with T.L.T.'s decision to enter no-contest pleas.

Evidence was then presented to establish the factual basis for T.L.T.'s no contest pleas, through the testimony of the ongoing case manager and the dispositional orders entered as exhibits. *See* WIS. STAT. § 48.422(3); WIS JI—CHILDREN 324. The case manager testified that T.L.T. was not in compliance with conditions of the dispositional order for the return of the children. She indicated T.L.T. was not in control of her alcohol or drug addiction, and that one

of the children had been born positive for drugs. T.L.T. also did not understand how her addiction affected the children. The case manager further testified that T.L.T. was on probation for human trafficking and had been taken into custody several times for violating probation, which was one of the factors leading to the children being removed from T.L.T.'s care. Moreover, T.L.T. did not supervise her children, did not place their needs before her own, and did not provide for their medical needs or safe care. The case manager also testified it was substantially unlikely that T.L.T. would meet the conditions of return within the next nine months. Based on the testimony of the ongoing case manager and accompanying exhibits, the circuit court found a factual basis had been established for T.L.T.'s no contest pleas to continuing CHIPS. The court also found T.L.T. unfit. *See* WIS. STAT. § 48.424(4).

Regarding the dispositional phase, where the best interests of the children is the prevailing standard, the decision to terminate parental rights is discretionary. *Gerald O. v. Cindy R.*, 203 Wis. 2d 148, 152-53, 551 N.W.2d 855 (Ct. App. 1996). The circuit 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).

In making its decision about the appropriate disposition, the circuit court properly considered the evidence, including the testimony of numerous witnesses that was received over five different dates, the argument of counsel, and the recommendations of the GAL that it was in the children's best interests to terminate parental rights and for the children to be adopted.

The circuit court made extensive factual findings on the record and properly applied the best interests of the children standard, as well as the statutory factors set out in WIS. STAT. § 48.426(3). The court considered the likelihood of adoption, the age and health of the children, the duration of separation between the children and T.L.T., the relationship the children had with T.L.T. and extended family members, and whether it would be harmful to sever such relationships. The court also considered whether termination would allow the children to enter into a more stable and permanent family relationship. In a thorough and thoughtful oral decision, the court found that terminating T.L.T.'s parental rights would be in the children's best interests. The court also indicated adoption was in the children's best interests.<sup>2</sup> Following the

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<sup>2</sup> At the dispositional hearing, the circuit court also heard evidence concerning a petition for guardianship filed by the children's paternal grandmother. The court stated:

I'm not going to find that there is a substantial relationship with [the paternal grandmother].

I'm going to find that it will not be harmful to these children to sever that relationship ....

(continued)

court's oral decision in the disposition phase, the GAL reiterated her agreement with the case manager's recommendation for adoption.

This court agrees with counsel's analysis and conclusions in the no-merit report that any appellate challenge to the circuit court's exercise of discretion would lack arguable merit. Our independent review of the record discloses no other issues of arguable merit. 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 are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Steven Zaleski is relieved of any further representation of T.L.T. in these matters pursuant to 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*

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So ultimately considering all of this evidence in light of the best interest of these children, I am concluding as a matter of law that the termination of parental rights has been proven by clear, convincing, and satisfactory evidence. It is in the best interest of these children that the parental rights be terminated.