



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 I

August 12, 2025

To:

Hon. Laura Gramling Perez
Circuit Court Judge
Electronic Notice

Tammy Kruczynski
Juvenile Clerk
Milwaukee County Courthouse
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Olivia Garman
Electronic Notice

Jenni Spies-Karas
Electronic Notice

Anne M. Abell
Electronic Notice

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

Courtney L.A. Roelandts
Electronic Notice

S.T.

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

2024AP1476-NM	In re the termination of parental rights to Z.S., a person under the age of 18: State of Wisconsin v. S.T. (L.C. # 2021TP239)
2024AP1477-NM	In re the termination of parental rights to D.H.S., a person under the age of 18: State of Wisconsin v. S.T. (L.C. # 2021TP240)

Before Geenen, 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, which were consolidated by order of this court, 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.

Sherri appeals from orders terminating her parental rights to her children, Zachary and Debbie.² Appellate counsel, Attorney Olivia Garman, filed a no-merit report. *See Anders v. California*, 386 U.S. 738 (1967); WIS. STAT. RULES 809.107(5m), 809.32. Sherri did not file a response. Based upon consideration of the no-merit report and an independent review of the records as mandated by *Anders*, this court concludes that there are no arguably meritorious issues that could be pursued on appeal. Therefore, the orders terminating Sherri's parental rights are summarily affirmed.

Zachary was born to Sherri on November 19, 2015. Debbie was born to Sherri on February 27, 2017.³ Zachary and Debbie were removed from Sherri's care after Sherri took four of her children (including Debbie, but not Zachary) for a ride in a known stolen vehicle on December 14, 2018.⁴ With the children in the vehicle, they were involved in a police chase. The chase ended when Sherri's boyfriend, who was driving the stolen vehicle, collided with another car. As a result of the collision, Debbie, who was not yet two years old at the time, suffered serious injuries, including a broken femur, broken clavicle, broken pelvis, and pulmonary contusions. Debbie was not in a car seat during the chase or crash. Zachary's location was unknown at that time.

The State subsequently filed a CHIPS petition. The court found Zachary and Debbie to be children in need of protection or services and entered a dispositional order on July 23, 2019.

² For ease of reading and to protect the confidentiality of these proceedings, we use pseudonyms to refer to all involved parties in this case.

³ Zachary's father is deceased. The parental rights of Debbie's father were also terminated and are not at issue in this appeal.

⁴ The records indicate that Sherri and her boyfriend stole the car.

The CHIPS order continued placement outside the home and set goals and conditions to be met by Sherri for the return of Zachary and Debbie to her.

On November 3, 2021, the State filed petitions to terminate Sherri's parental rights to both children. The petition alleged two grounds for termination: (1) continuing CHIPS per WIS. STAT. § 48.415(2); and (2) failure to assume parental responsibility per § 48.415(6). Sherri ultimately agreed to enter a no-contest plea as to the continuing CHIPS grounds for termination. The circuit court found that Sherri's no-contest plea was informed and voluntary.

The State presented the testimony of the ongoing case manager in support of the allegations in the petition, pursuant to WIS. STAT. § 48.422(3). At the conclusion of the case manager's testimony, the court found that continuing CHIPS had been proven by clear and convincing evidence. Accordingly, the court found Sherri unfit. The failure-to-assume ground was dismissed. The matters proceeded to a dispositional hearing, after which the circuit court terminated Sherri's rights to Zachary and Debbie. These no-merit appeals follow.

The no-merit report first discusses whether Sherri's no-contest plea as to grounds was knowingly, voluntarily, and intelligently entered. Before accepting a no-contest plea in the grounds phase of a proceeding to terminate parental rights, the circuit court must conduct a colloquy with the parent in accordance with WIS. STAT. § 48.422(7), to ensure that the plea is knowing, intelligent, and voluntary. See *Brown Cnty. DHS v. Brenda B.*, 2011 WI 6, ¶¶34-35, 331 Wis. 2d 310, 795 N.W.2d 730. The statute requires the circuit court to: (1) address the parent and determine that the plea is made voluntarily and understandingly; (2) establish whether any promises or threats were made to elicit the plea; (3) establish whether a proposed adoptive parent for the child has been identified; (4) establish whether any person has coerced a parent to

refrain from exercising parental rights; and (5) make such inquiries as satisfactorily establish a factual basis for the plea. *See* § 48.422(7).

When conducting a plea colloquy in a termination of parental rights proceeding, “[t]he questions to be asked depend upon the circumstances of the case,” and the circuit court is not required to follow “a specific checklist.” *Brenda B.*, 331 Wis. 2d 310, ¶57. The court must, however, ensure the parent’s understanding that acceptance of the plea will result in a finding of parental unfitness. *Id.*, ¶43. The circuit court must also ensure the parent’s understanding that at the later dispositional phase, the circuit court may dismiss the petition or terminate parental rights, *id.*, ¶66, and “the parent must be informed that ... [o]nce the parent is found to be unfit, it is the court’s determination about what is best for the child rather than any concern about protecting the parent’s rights that drives the outcome” of the dispositional hearing. *Id.*, ¶44. Finally, when a petition to terminate parental rights is uncontested, the circuit court shall hear testimony in support of the allegations in the petition. *Waukesha Cnty. v. Steven H.*, 2000 WI 28, ¶¶53, 56, 233 Wis. 2d 344, 607 N.W.2d 607.

The court agrees with appellate counsel that a challenge to Sherri’s no-contest plea would lack arguable merit. Although the no-merit report did not specifically address it, this court has considered whether Sherri could pursue an arguably meritorious challenge to the sufficiency of the plea colloquy on the ground that the circuit court did not establish whether a proposed adoptive parent for the children was identified. The court concludes that Sherri could not do so because the State presented testimony about a proposed adoptive resource at the dispositional hearing. Under these circumstances, the circuit court’s failure during the plea colloquy to address the identity of a proposed adoptive resource does not provide an arguably meritorious basis for postdisposition litigation. *See Steven H.*, 233 Wis. 2d 344, ¶¶53, 58 (providing that

information necessary to support a no-contest plea may be presented through testimony at proceedings other than the plea hearing); *see also State v. Jodie A.*, Nos. 2015AP46 & 2015AP47, unpublished slip op. ¶¶11, 13 (WI App July 7, 2015) (holding that a circuit court’s failure to identify a potential adoptive resource during the plea colloquy was harmless error where other portions of the record identified an adoptive resource).

Next, the no-merit report analyzes whether the circuit court properly exercised its discretion when it terminated Sherri’s parental rights. “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(3), giving paramount consideration to the best interests of the children. *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. This court therefore agrees with appellate counsel’s conclusion that any challenge to the circuit court’s decision to terminate Sherri’s parental rights would lack arguable merit.

An independent review of the records reveals no other potential issues warranting discussion.

Therefore,

IT IS ORDERED that the orders terminating Sherri’s parental rights are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Olivia Garman is relieved of further representation of Sherri 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