

FILED

OCT 21 2022

WISCONSIN SUPREME COURT

CLERK OF SUPREME COURT
OF WISCONSIN

In re the termination of parental rights to C.M.M.,
a person under the age of 18:

STATE OF WISCONSIN,

Respondent,

Appeal No. 22-AP-1028

v.

Milwaukee County
19-TP-225

J.D.C., Jr.,

Petitioner.

APPENDIX OF PETITIONER J.D.C., JR.

ON PETITION FROM THE SEPTEMBER 27, 2022 OPINION OF
THE WISCONSIN COURT OF APPEALS, DISTRICT I
Milwaukee County Circuit Court, Hon. Ellen R. Brostrom
Circuit Court Case No. 19-TP-225

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APPENDIX TABLE OF CONTENTS

	Page(s)
<i>State v. J.D.C., Jr.</i> , No. 22AP1028, unpublished slip op. (Wis. Ct. App. Sept. 27, 2022)	001
TPR Petition (R.5)	012
Judgment of Paternity (R.76)	019
Trial Exhibit 23 – C.M.M. CHIPS Petition (R.68)	021
Trial Exhibit 24 – C.M.M. CHIPS Dispositional Order (R.69).....	038
Trial Exhibit 25 – C.M.M. CHIPS TPC Order (R.70).....	053
DMCPS Court Report (R.71)	073
Transcript – 4/22/21 Dispositional Hearing (R.106)	080
Transcript – 4/23/21 Dispositional Hearing (a.m.) (R.89-91).....	138
Transcript – 4/23/21 Dispositional Hearing (p.m.) (R.88).....	251
Transcript – 6/3/21 Dispositional Hearing (R.92)	346
Transcript – 9/20/21 Dispositional Hearing (R.101)	460
TPR Order (R.95).....	567
Notice of Appeal (R.141).....	569
 <i>State v. A.G.</i> , No. 21AP1476, unpublished slip op. (Wis. Ct. App. Feb. 22, 2022)	 571
 <i>State v. M.B.</i> , No. 22AP89, unpublished slip op. (Wis. Ct. App. July 19, 2022).....	 580

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 27, 2022

Sheila T. Reiff
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2022AP1028

Cir. Ct. No. 2019TP225

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

**IN RE THE TERMINATION OF PARENTAL RIGHTS TO C.M.M., A PERSON UNDER
THE AGE OF 18:**

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

V.

J.D.C., JR.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
ELLEN R. BROSTROM, Judge. *Affirmed.*

¶1 BRASH, C.J.¹ J.D.C., Jr. appeals the order of the trial court terminating his parental rights to C.M.M. J.D.C., Jr. argues that the trial court erroneously exercised its discretion in its consideration of several of the statutory factors for determining the best interests of C.M.M., and did not properly consider placement options. He further asserts that this court should exercise its discretionary authority under WIS. STAT. § 752.35 to grant him a new dispositional hearing, specifically for purposes of obtaining testimony from C.M.M.’s foster parents. Upon review, we reject J.D.C., Jr.’s arguments and affirm.

BACKGROUND

¶2 C.M.M., who was born in January 2012, is the adjudicated daughter of J.D.C., Jr. In March 2018, the Division of Milwaukee Child Protective Services (DMCPS) petitioned for C.M.M. to be found a child in need of protection or services (CHIPS) after her mother, B.M., contacted the Milwaukee Police Department about domestic violence incidents with her significant other, C.W. B.M. alleged that C.W. had punched his son, punched and choked one of B.M.’s other children,² and had also struck that child and C.M.M. with a wooden spoon. B.M. explained that C.W. had been violent toward her for three years. However, B.M. has a long history of being involved in violent relationships, and she expressed no plans to end this relationship.

¹ This appeal is 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.

² B.M. had four biological children at the time of these proceedings, none of whom were residing with her when the petition for the termination of her parental rights to C.M.M. was filed. She also had another child who had died under “unspecified circumstances.” Additionally, she was pregnant with her sixth child at that time. B.M.’s parental rights to C.M.M. were also terminated during these proceedings, but B.M. is not involved in this appeal.

¶3 C.M.M. and several of her half-siblings were removed from B.M.’s home. DMCPS was unable to place C.M.M. with J.D.C., Jr.; he has a history of criminality, and had been in and out of custody since at least May 2014. He was listed as an absconder at the time C.M.M. was detained, and was subsequently arrested in July and August of 2018 for probation violations.

¶4 Instead, C.M.M. was initially placed with J.D.C., Jr.’s mother, L.R. C.M.M. was subsequently removed from L.R.’s home, however, and placed in foster care with her siblings, at the request of L.R. L.R. thought C.M.M. would be happier if she was placed with her siblings, and indicated that she preferred the role of grandparent to C.M.M. rather than being her full-time guardian.

¶5 A CHIPS order for C.M.M. was entered in September 2018, and listed a number of conditions that had to be met before she could be returned to either parent. The conditions for J.D.C., Jr. included resolving his criminal cases and committing no further crimes, as well as not permitting or engaging in any violence in front of C.M.M. Regular visitation with C.M.M. was also required.

¶6 J.D.C., Jr. failed to meet these conditions. He was incarcerated much of the time that the CHIPS order was in effect for committing various violations, including for a domestic violence incident with his girlfriend at the time. In fact, he was in and out of custody for much of C.M.M.’s life, and had very little contact with her. He never paid child support for her or engaged in the role of her caregiver. He attended a few parenting classes that were provided to him by DMCPS but was discharged for inconsistent attendance, and he failed to attend domestic violence counseling sessions. Furthermore, while C.M.M. was placed with L.R., J.D.C., Jr. had the opportunity to visit with her, but it was reported that he instead would just “drive by” the house and “wave,” but not stop.

¶7 In short, it was determined that J.D.C., Jr. “exhibited a pattern of behavior that indicate[d] he could not safely care for [C.M.M.]” Therefore, a Petition for the Termination of Parental Rights (TPR) was filed in November 2019. In the petition, the State’s alleged grounds for termination included the continuing need of protection or services for C.M.M., pursuant to WIS. STAT. § 48.415(2), and the failure to assume parental responsibility, pursuant to § 48.415(6). J.D.C., Jr. entered a no contest plea to the failure to assume parental responsibility ground in April 2021, and the matter proceeded to disposition.

¶8 The dispositional hearing took place over several days in April, July, and September of 2021. At the hearing, the trial court heard testimony from the case manager for the family. The case manager testified that the foster parents for C.M.M. were an adoptive resource for her. The case manager further explained that J.D.C., Jr. had not been present for most of C.M.M.’s life, and that he had not attempted to set up in-person visits after he was released from custody. Therefore, the case manager stated that C.M.M. did not have a substantial relationship with J.D.C., Jr.

¶9 However, the case manager recognized that C.M.M. did have regular contact with some of her paternal relatives, especially L.R. In fact, the case manager acknowledged that C.M.M. provided conflicting opinions as to where she wanted to live. The case manager explained that C.M.M. had at times expressed a desire to live with L.R., likely because “her grandmother spends a significant amount of time with her, and grandma’s home had been her home for a period of time[.]”

¶10 Additionally, the case manager testified that C.M.M.’s paternal great-grandmother, V.R., had made a request in October or November of 2020 for

C.M.M. be placed with her. However, the case manager stated that V.R. was not related to C.M.M.'s siblings with whom she was placed and had substantial relationships. Although V.R. indicated that she was willing to have C.M.M.'s siblings placed with her as well, the case manager testified that V.R. was not a licensed foster parent, and that she had not followed up with the case manager with regard to obtaining a foster care license.

¶11 V.R. also testified at the dispositional hearing. She stated that she had a substantial relationship with C.M.M. and saw her often, usually when C.M.M. was with L.R. However, B.M. testified that she had never seen C.M.M. with V.R. Furthermore, another case worker specifically working with J.D.C., Jr. testified that C.M.M. had a relationship with L.R. as well as two paternal aunts, but stated that C.M.M. had never mentioned V.R. J.D.C., Jr. also did not reference V.R. when he testified regarding visitation with C.M.M.; rather, he noted visitation time with B.M. and L.R.

¶12 In making its determination, the trial court noted that J.D.C., Jr. was “obviously getting [his life] together.” However, the court pointed out that he had not made any “significant effort” to “actually get his child into his home,” and that he “really hasn’t progressed very far in consistently showing up for [C.M.M.] and consistently meeting ... her needs[.]” The court opined that the “most salient” thing about this case was how long it had been going on and how little progress had been made by the parents.

¶13 In noting the suggestion of V.R. as an alternative for placement of C.M.M., the trial court stated that this would be a “brand new placement three-and-a-half years into this story.” The court further observed that while the

testimony indicated that C.M.M. knows V.R., it did not demonstrate that C.M.M. had “a very intimate relationship with her[.]”

¶14 The trial court then addressed each of the statutory factors for determining the best interests of C.M.M. In particular, the court noted the amount of time C.M.M. had been in out-of-home placement, stating that it was “a significant period of time” given her age. The court explained that it considered the “key factor” in this case to be “the need for stability and permanency” and the need for C.M.M. to be “done with this roller coaster,” referencing the amount of time this matter had been pending. The court thus ultimately determined that it was in the best interests of C.M.M. to terminate the parental rights of J.D.C., Jr. and B.M. This appeal follows.

DISCUSSION

¶15 On appeal, J.D.C., Jr. asserts that the trial court erroneously exercised its discretion in failing to adequately examine relevant evidence relating to three of the statutory factors when it determined that terminating his parental rights was in the best interests of C.M.M. “The ultimate determination of whether to terminate parental rights is discretionary with the [trial] court.” *State v. Margaret H.*, 2000 WI 42, ¶27, 234 Wis. 2d 606, 610 N.W.2d 475. We will uphold the decision if the trial court applied the correct standard of law to the facts of the case. *See id.*, ¶32.

¶16 In making the determination to terminate parental rights, “the best interests of the child is the paramount consideration” for the trial court. *Id.*, ¶33. The trial court’s decision should reference the statutory factors set forth in WIS. STAT. § 48.426(3), and any other factors it relied upon, in explaining on the record

the basis for the disposition. *Sheboygan Cnty. DHHS v. Julie A.B.*, 2002 WI 95, ¶30, 255 Wis. 2d 170, 648 N.W.2d 402.

¶17 The statutory factors that the trial court is required to consider are:

- (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).

¶18 The record indicates that the trial court referenced all of these factors with regard to C.M.M. in its decision, and found that the evidence relating to each factor weighed in favor of the termination of J.D.C., Jr.'s parental rights. Indeed, J.D.C., Jr.'s argument on appeal is not that the court did not consider the statutory factors, but rather that it did not adequately examine all of the relevant evidence relating to several of the factors.

¶19 First, J.D.C., Jr. argues that the trial court did not fully consider C.M.M.'s relationship with her paternal relatives and the potential harm from legally severing those relationships, as set forth in WIS. STAT. § 48.426(3)(c). His

argument focuses on the evidence that C.M.M. had a substantial relationship with L.R., her grandmother. In fact, the trial court acknowledged that C.M.M. had a “very meaningful relationship” with L.R.; however, the court also noted that any harm from severing this relationship could be mitigated by the foster parents’ intent to continue that relationship, which had been demonstrated by C.M.M.’s regular visits with L.R. during the course of these proceedings. While the law is clear that a termination of parental rights legally severs the relationship between the child and her biological family, the court still has discretion to consider the potential of a continued relationship in its analysis of this factor. *Margaret H.*, 234 Wis. 2d 606, ¶¶29-30.

¶20 J.D.C., Jr. also argues that the trial court erred in its determination that the relationship between C.M.M. and V.R., a suggested alternative placement option, was not substantial. J.D.C., Jr. asserts that the record does not support this conclusion. We disagree. V.R.’s testimony about her close relationship with C.M.M. was not corroborated by any other witness; in fact, there was testimony from several witnesses that they never saw C.M.M. with V.R. or heard C.M.M. mention V.R. Thus, we reject J.D.C., Jr.’s contention that the trial court’s conclusion is not supported by the record.

¶21 Next, J.D.C., Jr. argues that the trial court did not properly consider the wishes of C.M.M. in accordance with WIS. STAT. § 48.426(3)(d). Although there was testimony that C.M.M. had expressed a desire to live with L.R., there was also testimony regarding C.M.M.’s substantial relationships with her siblings and how happy she is living with them in foster care. Moreover, L.R. was not a placement option, as she had indicated that she did not wish to have C.M.M. permanently placed with her. With this conflicting evidence, the court observed that C.M.M. was too young to truly understand the concept of adoption under

these “very complex circumstances.” Thus, the court did in fact consider the relevant evidence relating to this factor.

¶22 J.D.C., Jr. next asserts that the trial court failed to properly consider placement options for C.M.M. due to its “aversion to relitigating” previous placements. However, such an error is not supported by the record. There does not appear to have been any contested litigation relating to C.M.M.’s previous placement; she had previously been placed with L.R., who voluntarily gave up placement. In other words, there had been no litigation regarding her previous placement, so there was nothing to relitigate.

¶23 The only other proffered alternative placement for C.M.M. was with V.R., which the trial court considered and rejected, as explained above. In fact, the trial court emphasized that the “key factor” in its determination was “the need for stability and permanency” for C.M.M., described in WIS. STAT. § 48.426(3)(f), the final statutory factor. J.D.C., Jr.’s arguments ignore the evidence that points to his failure to make a significant effort to demonstrate his ability to consistently care for C.M.M. and give her a stable, permanent home.

¶24 Indeed, J.D.C., Jr. essentially argues that the trial court should have weighed the evidence differently, such that it would be viewed more favorably toward him. This, however, is not the standard; rather, the trial court is to use its discretion to determine the best interests of the child, based on its consideration of

all of the evidence as it relates to the statutory factors.³ See *Margaret H.*, 234 Wis. 2d 606, ¶¶27, 32. The trial court properly did so here.

¶25 Given our analysis above, we also reject J.D.C., Jr.’s final argument—that we should exercise our discretion to grant a new dispositional hearing pursuant to WIS. STAT. § 752.35. This statute allows this court to reverse an order of the trial court “if it appears from the record that the real controversy has not been fully tried, or that it is probable that justice has for any reason miscarried[.]” *Id.*; see also *State v. Williams*, 2006 WI App 212, ¶36, 296 Wis. 2d 834, 723 N.W.2d 719. However, this discretionary reversal power “is formidable, and should be exercised sparingly and with great caution.” *Williams*, 296 Wis. 2d 834, ¶36.

¶26 Based on our review of the record, we conclude that the controversy here was fully tried, and therefore discretionary reversal would be inappropriate. See *id.* Furthermore, with regard to J.D.C., Jr.’s specific assertion that the trial court should have heard testimony from C.M.M.’s foster parents, we point out that J.D.C., Jr. did not call them as witnesses. “It is a fundamental principle of appellate review that issues must be preserved at the [trial] court.” *State v. Huebner*, 2000 WI 59, ¶10, 235 Wis. 2d 486, 611 N.W.2d 727. J.D.C., Jr. provides no justification for this omission, nor does he explain why the foster parents’ testimony would be fundamental to his case, especially when there was testimony regarding the intent and actions of the foster parents from other

³ We note that in his initial brief, J.D.C., Jr. also argued that the trial court’s analysis of WIS. STAT. § 48.426(3)(e), the duration of the separation of the child from the parent, did not acknowledge the “brevity of separation” between C.M.M. and J.D.C., Jr.’s family. This factor requires consideration of the separation between the child and the *parent*, not the parent’s family. See *id.* J.D.C., Jr. conceded this point in his reply brief, and we thus do not discuss it further.

witnesses who were subject to cross-examination. We may decline to discuss issues that are inadequately briefed. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992).

¶27 Therefore, we conclude that the trial court's determination was properly made in this matter. Accordingly, we affirm its order terminating J.D.C., Jr.'s parental rights to C.M.M.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

FILED
11-05-2019
John Barrett
Clerk of Circuit Court
2019TP000225

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

IN THE INTEREST OF

Amended

C M
a person under the age of 18

Petition for Termination of Parental Rights

01/31/2012
Date of Birth

DA Case No.: 2019MJ002044
Court Case No.:
JC Case No.: 2018JC000206

I state on information and belief that the following is true: (If unknown or cannot be ascertained, so state)

1. Petitioner's Name and Address
Charles Kreger
Milwaukee County District Attorney - Juvenile Division, 10201 Watertown Plank Road Wauwatosa, WI 53226-3532
Child's address: DMCPs Approved Placement
Name(s) of Foster Parent or Other Physical Custodian: DMCPs Approved Placement
Child's Sex: Male
Parent #1's Name: B M, Birthdate: 01/03/1991
Parent #2's Name: J D. C Jr., Birthdate: 11/18/1990
Child's Legal Guardian: Parents
Child's Legal Custodian: Parents

2. The petitioner is interested as Assistant District Attorney for Milwaukee County.

3. The child is a non-marital child.

4. The above-named father is adjudicated biological (nonadjudicated) unknown.

5. The petitioner seeks termination of parental rights of Parent #1 who will not consent to the termination of his/her parental rights under §48.41, Wis. Stats.

If involuntary, grounds for termination of parental rights exist under §48.415 (2) and (6), Wis. Stats. A statement of the facts and circumstances which support these grounds is as follows: See attached

CHIPS History:

1. C M was found to be a child in need of protection or services on 05/02/2018 by the Honorable Gwendolyn Connolly, Milwaukee County Circuit Court, Children's Division, and based upon that finding

on 09/18/2018 the Honorable Gwendolyn Connolly, Milwaukee County Circuit Court, Children's Division, entered a dispositional order placing the child outside the home of a parent in a placement approved by the DMCPs.

2. The dispositional order expires on 03/07/2020.

3. Since C [REDACTED] was detained by the DMCPs, during the pendency of the dispositional order, she has remained placed continuously outside a parental home.

4. The dispositional order has been reduced to writing and includes written warnings regarding possible termination of parental rights, pursuant to sec. 48.356, Wis. Stats.

Grounds as To Mother:

Grounds exist to involuntarily terminate the parental rights of the mother, B [REDACTED] M [REDACTED], to the child, C [REDACTED], in that:

1. **Continuing CHIPS:** C [REDACTED] remains a child in continuing need of protection or services pursuant to Wis. Stats. sec. 48.415(2). The dispositional order, supra, contained numerous conditions to be met by the parents prior to the return of the child to the home, toward which end the DMCPs has made reasonable efforts to provide appropriate services to B [REDACTED] M [REDACTED]. This notwithstanding, the mother has failed to meet the conditions and goals established for the return of the child to her home.

Specifically:

- a. The parent has failed to meet Condition 1 as it states: "Control your drug or alcohol addiction." The mother completed an AODA assessment in October, 2018. Outpatient therapy and a psychological evaluation were recommended. The mother was scheduled to attend weekly therapy, however, she was discharged due to non-compliance.
- b. The parent has failed to meet Condition 2 as it states: "Understand how your drug/alcohol addiction affects your child." The mother was discharged from AODA therapy due to non-compliance. During a visit with her children, there was concern that the mother appeared to be under the influence.
- c. The parent has failed to meet Condition 3 as it states: "Control your mental health." The mother was referred for a psychological evaluation in November, 2018. The mother missed her appointment and it was rescheduled and completed in January, 2019. The mother has been diagnosed with depression, post traumatic stress disorder, and anxiety in part due to her own experience growing up in foster care. It was recommended that the mother complete a psychiatric evaluation for medication management and psychotherapy to focus on trauma, developing effective coping strategies, and

domestic violence programming. The mother has been referred for services at Milwaukee County Behavioral Health Division, Community Access to Recovery Services, and Comprehensive Community Services. She still has not completed services. In March, 2019 the mother attempted suicide by placing a belt around her neck. She was taken to Behavioral Health and released with recommendations for weekly therapy, day treatment and/or partial hospitalization. The mother is not engaged in services and does not want to take medication. She is currently pregnant with her sixth child.

- d. The parent has failed to meet Condition 6 as it states: "Do not allow violence in your home or in front of your children." The mother has a long history of being in domestic violence relationships with the fathers of her children. Her older children were removed due to physical abuse and violence in the home. The mother reportedly had started domestic violence counseling but never completed it. In May, 2019 the mother filed a restraining order against M■■■■ E■■■■ who is the father of one of her children stating that he restrained her against her will. When the family case manager asked her about the incident, the mother denied that there was any violence in the home.
- e. The parent has failed to meet Condition 7 as it states: "Always supervise your child and place your child's needs before your own." The mother's older children have witnessed domestic violence in the home and have been victims of abuse themselves. The mother has not acted in the role of a caregiver and protected her children. She has a history of leaving and then returning to relationships that are harmful to her children placing her own needs before those of her children.
- f. The parent has failed to meet Condition 8 as it states: "Have age appropriate expectations of your child." Although the mother eventually completed parenting classes, she did not complete them until nearly a year after her children were removed from her care and only after she was offered one-on-one classes. She has not made any behavioral changes and her visits remain supervised.
- g. The parent has failed to meet Condition 9 as it states: "Control your emotions." The mother completed a psychological evaluation which recommended trauma counseling and a psychiatric evaluation. She has yet to complete these conditions. In March, 2019 she attempted suicide by placing a belt around her neck.
- h. The parent has failed to meet the all-parent condition as it states: "Provide Safe Care for Your Child." The mother has a history of not protecting her children. She continues to engage in violent and unhealthy relationships with individuals. The mother has not met any of the court conditions of return.

She has not made any behavioral changes to indicate that her children would be safe in her care.

- i. The parent has failed to meet the visitation condition as it states: "If Your Child is not Living with You, You Must Visit Your Child Regularly." The mother has been inconsistent in visitation with her child. She did not visit in June or July of 2019. When she does visit, she is not engaged and is described as short tempered. She has never been able to move beyond supervised visitation.

2. Failure to Assume Parental Responsibility: B [REDACTED] M [REDACTED] has failed to assume parental responsibility, as defined by Wis. Stats. sec. 48.415(6) as to the child. The mother has failed to establish a substantial parental relationship with the child, in that she has failed to come forward to accept and exercise significant responsibility for the daily supervision, education, protection and care of C [REDACTED].

Specifically:

- a. The mother has 4 biological children. None of these children reside in her care. She had another child that died of unspecified circumstances. She is pregnant with her sixth child.
- b. The mother has a DMCPD history dating back to 2014.
- c. In May, 2013 there was a referral of a new born and a one year old being left alone in a parking lot with the keys in the ignition.
- d. In January, 2014 there was a referral regarding a relative trying to obtain guardianship of C [REDACTED].
- e. In May, 2015 there were concerns that the mother's three year old had been burned by touching a hot iron on 2 separate occasions.
- f. In May, 2016 the mother's child, K [REDACTED] died of unspecified circumstances.
- g. In March, 2018 DMCPD received a referral that the mother's significant other, C [REDACTED] W [REDACTED] had punched his 14 year old son. During the investigation the mother's child, H [REDACTED] also presented with a two inch bruise to her right cheek, a scratch on the side of her head, and a bruise to her head. The mother reported that when C [REDACTED] W [REDACTED] came home, he choked the child.
- h. C [REDACTED] also had an abrasion on her elbow and abrasions on her body inflicted by C [REDACTED] W [REDACTED].
- i. The mother attempted to leave C [REDACTED] W [REDACTED] after she learned that he had abused her children with a wooden spoon. She, however, eventually returned to the home.
- j. In March, 2018 due to the mother not being able to protect her children and exposing them to harm again, C [REDACTED] and her two siblings were taken into custody.
- k. Since C [REDACTED] came into care, the mother has made only sporadic attempts at meeting the court

conditions of return. She also gave birth to another child that was also detained and is pregnant again.

I. The child, C [REDACTED] M [REDACTED] has spent a substantial portion of her life in out-of-home care.

Based on the foregoing, B [REDACTED] M [REDACTED] is not fit to be a parent to the above-named child. Upon consideration of the entire record in this case, termination of parental rights is warranted.

Parent #2 who will may will not consent to the termination of his/her parental rights under §48.41, Wis. Stats.

If involuntary, grounds for termination of parental rights exist under §48.415 ((2) and (6) _____), Wis. Stats. A statement of the facts and circumstances which support these grounds is as follows: See attached

Paternity Information:

1. J [REDACTED] D. C [REDACTED] Jr. was adjudicated to be the father of C [REDACTED] M [REDACTED] upon default on 07/26/2012 in Milwaukee County Circuit Court Case No. 4012PA00543.

2. There is no Declaration of Paternal Interest on file with the State of Wisconsin Department of Children and Families as to the child, upon information and belief. No person has adopted the child.

3. The mother reported that she married C [REDACTED] W [REDACTED] in 2016. The exact place of marriage is not reported. DMCPDS did request a copy of a marriage certificate in Milwaukee County, however, no document was found on file.

Grounds as to Father J [REDACTED] C [REDACTED]:

Grounds exist to involuntarily terminate the parental rights of the father, J [REDACTED] D. C [REDACTED] Jr., to the child, C [REDACTED] M [REDACTED], in that:

1. **Continuing CHIPS:** C [REDACTED] remains a child in continuing need of protection or services pursuant to Wis. Stats. sec. 48.415(2). The dispositional order, supra, contained numerous conditions to be met by the parents prior to the return of the child to the home, toward which end the DMCPDS has made reasonable efforts to provide appropriate services to J [REDACTED] D. C [REDACTED] Jr. This notwithstanding, the father has failed to meet the conditions and goals established for the return of the child to his home. Specifically:

- a. The parent has failed to meet Condition 4 as it states: "Commit no crimes." The father is currently at the Milwaukee Secure Detention Facility for violating his probation. He has been in and out of custody since at least May, 2014 for his criminal behaviors.
- b. The parent has failed to meet Condition 5 as it states: "Resolve your criminal cases." The father has a history of criminality. He was listed in absconder status when C [REDACTED] was taken into custody in March, 2018. He was arrested in July and August of 2018 due to probation violations. He has been

arrested on numerous other occasions. His criminal cases include possession of THC, receiving stolen property, bail jumping, disorderly conduct, armed robbery, probation violations, carrying a concealed weapon, and domestic violence. He was again taken into custody in July of 2019 for parole violations. He is currently at Milwaukee Secure Detention Facility.

- c. The parent has failed to meet Condition 6 as it states: "Do not allow violence in your home or in front of your children." The father is currently incarcerated related to a domestic violence incident with his current girlfriend. The father has been referred to therapy and domestic violence counseling while out of custody, but did not attend.
- d. The parent has failed to meet Condition 7 as it states: "Always supervise your child and place your child's needs before your own." The father has not completed any of the court conditions of return including visiting his child on a regular basis. He has continued to engage in criminal behaviors that have resulted in him being taken in to custody. He is currently in the Milwaukee Secure Detention Facility related to a domestic violence incident with his current girlfriend.
- e. The parent has failed to meet Condition 8 as it states: "Have age appropriate expectations of your child." The father has not seen his child since January, 2019. Prior that that he had very little contact with his child. The father did attend a parenting assessment and started classes in July 2018, however, he was discharged after three consecutive classes for inconsistent attendance. The father has been in and out of custody and has not made himself available for services to be set up on his behalf.
- f. The parent has failed to meet the all-parent condition as it states: "Provide Safe Care for Your Child." Reports indicate that the father has not provided care for his child. He was incarcerated when she was taken into custody and has been in and out custody since that time. He is currently in custody again. He has exhibited a pattern of behavior that indicates he could not safely care for child.
- g. The parent has failed to meet the visitation condition as it states: "If Your Child is not Living with You, You Must Visit Your Child Regularly." The father has not visited the child since January 2019. Prior to that, he would drive by his mother's house where the child was placed and wave but did not stop to visit. The father is currently incarcerated and visits are not taking place.

2. Failure to Assume Parental Responsibility: The father has failed to assume parental responsibility, as defined by Wis. Stats. sec. 48.415(6) as to the child. The father has failed to establish a substantial parental relationship with the child, in that he has failed to come forward to accept and exercise significant responsibility for

the daily supervision, education, protection and care of C [REDACTED] Specifically:

- a. On information and belief, the father has never lived with the child. He has had infrequent contact with the child over the years.
- b. The father was incarcerated when the child was detained and has been in and out of custody the majority of the child's life.
- c. The father was adjudicated by default in 2012. He has not provided for support of the child or acted in the role of a caregiver to the child.
- d. The father has not attended services or programming in regard to the child.
- e. Since the child was detained, he has not completed the court conditions or return. He is currently at Milwaukee Secure Detention Facility due to a domestic violence incident with his current girlfriend.
- f. The child, C [REDACTED] has spent a substantial portion of her life in out-of-home care.

Based on the foregoing, J [REDACTED] D. C [REDACTED] Jr. is not fit to be a parent to the above-named child. Upon consideration of the entire record in this case, termination of parental rights is warranted.

- 6. Names and addresses of additional possible fathers, if known, are attached. The statutory grounds for termination of the parental rights of each possible father (known or unknown) and the facts and circumstances which support these grounds are attached.
- 7. A. The child is not subject to the federal Indian Child Welfare Act.
OR
 B. It is unknown at this time whether the child is subject to the federal Indian Child Welfare Act. *(For an Indian Child, use the Indian Child Welfare Act version (IW-1630) form.)*
- 8. The Uniform Child Custody Jurisdiction Act Affidavit is attached to this Petition.
- 9. The best interests of the child will be served by termination of the parental rights of the parent(s).
- 10. The best interests of the minor birth parent(s) will be served by the termination of his her their parental rights.

Date Signed: 11/04/19
Electronically Signed By:
Charles Kreger
Assistant District Attorney
State Bar #: 1094148

FILED 04-23-2021 John Barrett, Clerk of Circuit Court 2019TP000225

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

IN RE THE PATERNITY OF [REDACTED] Case No. 4012 PA 000543

STATE OF WISCONSIN, PETITIONER FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT OF PATERNITY

[] UPON DEFAULT

Family A B C D (E) F

IVD / KIDS Case No. 5874995

Form prepared by Name Daytime phone #

Date of Hearing 7/26/12 State of Wis. appears by K. Murphy

THE COURT FINDS: Mother's Name B [REDACTED] C M [REDACTED] DOB 01/03/1991

Address (if new) Street City State Zip Code + 4

Mother Appeared? (Yes) No With Counsel? Yes (No) Counsel's Name

The mother has never been married. The mother married on, however the marital presumption under s.891.39, Stats., does not apply because the conception and birth of the child did not occur while the mother was married. has been overcome, by a clear and satisfactory preponderance of the evidence.

If the mother is co-respondent or respondent: she was served with notice of this action and failed to appear at she was served with notice of this action and admitted that MR C [REDACTED] is the father of her child.

Father's Name J [REDACTED] D C [REDACTED] DOB 11/18/1990

Address (if new) Street City State Zip Code + 4

Father Appeared? (Yes) No With Counsel? Yes (No) Counsel's Name

If the father is a co-respondent or respondent: he was served with notice of this action and failed to appear at hoon 7/26/12 he was served with notice of this action and admitted that he is the father of the child.

Genetic tests were administered resulting in a statistical probability of parentage of %.

The clear and satisfactory preponderance of the evidence establishes this man as the father of the child.

Child's Name [REDACTED] M [REDACTED] M [REDACTED] DOB 01/31/2012

The child was born to the mother at Milwaukee Milwaukee WI

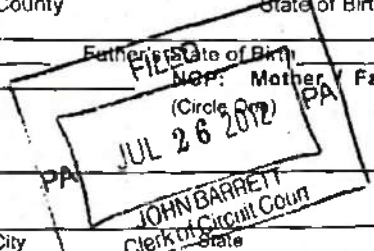
Child appeared by GAL? Yes (No) GAL's Name Birth Record Information Mother's Maiden Name Court-ordered payee (CP): Mother / Father / Other (Circle One)

Payer's (NCP) Employment Information NCP is currently employed by Phone Fax Address Street City State Zip + 4

NCP's Gross Monthly Income \$; NCP is paid Weekly Biweekly Monthly Semimonthly

NCP is currently unemployed. NCP's current employment status is unknown. NCP has a presumed earning capacity of \$ per month, based upon the availability of full-time minimum wage employment.

Additional Findings: NCP is incarcerated until 10/30/12



Page 1 of 2 Filed 04-23-2021 Document 76 Case 2019TP000225

2281-1 R8



Page 2, Findings, Case No. 4012P0000543

Check if findings continue on a later page.

THE COURT ORDERS:

Custody and Physical Placement

- Custody and primary physical placement shall be with the mother / father.
- The mother / father shall have periods of physical placement at reasonable times upon reasonable notice.
- Periods of physical placement are held open to mother / father.
- Custody and physical placement shall be with the parties jointly
- Custody shall be with the parties jointly, with mother / father having primary physical placement.
- _____ shall have periods of physical placement at reasonable times upon reasonable notice.
- _____

Terms

The Vital Statistics fee, if the child was born in Wisconsin, is \$10.00, payable by the father to the State of Wisconsin.

The annual receiving and disbursing fee is \$65.00, payable by the NCP to Wisconsin Support Collections Trust Fund.

- The NCP owes past support in the amount of \$ 0 to 0 the State of Wisconsin / 0 to the Mom
- Reasonable birth expenses are \$ 0 payable by the father to the State of Wisconsin /

Genetic test costs in this action are \$ 0, payable by the NCP to Milwaukee County.

Service of Process costs are \$ 0, payable by the NCP to Milwaukee County / _____

The NCP shall pay these terms at the rate of \$ _____ per month, commencing _____

An order for periodic payments on the terms is held open until further court order.

Current Support Payments

- The NCP shall pay support until the child reaches the age of 18, or until age 19 if the child is pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent, as follows:
 - \$ _____ per month, commencing _____

Support is currently held open. at parties request

All payments shall be made to: **Wisconsin Support Collections Trust Fund (WI SCTF)**
Box 74200
Milwaukee, WI 53274-0200

Recipients of child or family support shall pay an annual collection fee of \$25.00 pursuant to s. 767.57 (1e) (c), Wis. Stats., to be deducted from child or family support, maintenance, or arrearage payments after the first \$500 is collected for the year.

Health Care Orders

- A comprehensive private health insurance policy is not available to either parent even with a reasonable cash contribution. The appropriate cash medical support in this matter is \$0.
- Mother / Father has private health insurance available to cover the child(ren) at a reasonable cost and shall enroll the child(ren) as covered dependent(s) under his / her health care plan.
- Mother / Father has private health insurance available to cover the child(ren) and shall enroll the child(ren) as covered dependent(s) under his / her health insurance, however the cost to add the child(ren) under the plan exceeds reasonable cost. As a result, the child support order deviates from the percentage standard by the amount of \$ _____ as a reasonable cash contribution by the other parent toward the cost of the insurance.

Whenever private, comprehensive, accessible and reasonably priced health insurance is not available to cover the child(ren) and such insurance later becomes available to either parent at a reasonable cost, that parent shall enroll the child(ren) under the plan, unless the child(ren) are already enrolled under another private health insurance plan or the parent's income is below 150% of the federal poverty guideline.

The insuring parent shall provide the other parent and the child support agency with copies of policy information and insurance cards. He / she shall inform the child support agency about any changes in his / her employment and the availability of insurance.

Non-Covered Expenses

The mother and father shall divide equally any unreimbursed health care expenses.

Other Orders

See the attached "Statutory Paternity Judgment Information" sheet for additional important information. Check if orders continue on a later page.

William Konieczny
PRESIDING OFFICIAL'S NAME, TITLE

[Signature]
PRESIDING OFFICIAL'S SIGNATURE

7/26/2012
DATE

Copy of Judgment received: _____

OFFICE USE ONLY: Data Entry ID: _____ Effective Date of Judgment: _____ Remove Name: _____



2281-2 R11

FILED
04-20-2021
John Barrett
Clerk of Circuit Court
2019TP000225

ORIGINAL

STATE OF WISCONSIN, CIRCUIT, MILWAUKEE COUNTY

IN THE INTEREST OF

Amended

Petition for Protection or Services
(Chapter 48)

C [redacted] M [redacted] 2018MJ000598 04027943
a person under the age of 18

01/31/2012
Date of Birth

Case No. 2019JC206

I state on information and belief that the following is true: (if unknown or cannot be ascertained, so state)

1.

Child's Street and City Address Undisclosed	Child's Date of Birth 01/31/2012	Sex <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	Race	Height	Weight	Hair Color	Eye Color
Child has previously been adopted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
Parent #1's Name and Address B [redacted] M [redacted] Legal Status: <input type="checkbox"/> Alleged <input checked="" type="checkbox"/> Adjudicated <input type="checkbox"/> Presumed <input type="checkbox"/> Biological <input type="checkbox"/> Unknown <input type="checkbox"/> See attached for additional parties				Parent #1's Date of Birth 01/03/1991			
Parent #2's Name and Address J [redacted] D. C. [redacted] Jr. [redacted] Legal Status: <input type="checkbox"/> Alleged <input checked="" type="checkbox"/> Adjudicated <input type="checkbox"/> Presumed <input type="checkbox"/> Biological <input type="checkbox"/> Unknown <input type="checkbox"/> See attached for additional parties				Parent #2's Date of Birth 11/18/1990			
<input type="checkbox"/> Guardian <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Foster Parent <input type="checkbox"/> Spouse, if any <input type="checkbox"/> If none of preceding, nearest relative							
Child in temporary physical custody? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Date _____ Where held _____ <input checked="" type="checkbox"/> Not disclosed—threat of imminent danger to child-physical custodian.							

2. Child may be subject to federal Indian Child Welfare Act? (25 USC §§1901-1963)
 No Undetermined (Explain: _____)
For an Indian child who is placed out-of-home, use the Indian Child Welfare Act version (IW-1610) of this petition.

3. Under section(s) 48.13(3m), 48.13(10), 48.13(10m) the child is in need of protection or services because: See attached



Karen Vespalec, your Petitioner, hereby states on information and belief, that the above named child is in need of protection or services in that:

Count 1: CHIPS / ABUSE (RISK OF)

The above named child, resident of Milwaukee County, Wisconsin is at substantial risk of becoming the victim of abuse, as defined in Section 48.02(1)(a), (b), (c), (d), (e), or (f), including injury that is self-inflicted or inflicted by another, based on reliable and credible information that another child in the home has been the victim of such abuse pursuant to Section 48.13(3m), Wisconsin Statutes.

Count 2: CHIPS / NEGLECT

The above named child, resident of Milwaukee County, Wisconsin whose parent, guardian, or legal custodian neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of the child pursuant to Section 48.13(10), Wisconsin Statutes.

Count 3: CHIPS - NEGLECT (RISK OF)

The above named child, resident of Milwaukee County, Wisconsin whose parent, guardian, or legal custodian is at substantial risk of neglecting, refusing or being unable for reasons other than poverty to provide the necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of the child, based on reliable and credible information that the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to provide the necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of another child in the home pursuant to Section 48.13(10m), Wisconsin Statutes.

Rebecca McFadden, Division of Milwaukee Child Protective Services Social Worker, indicates that he/she is familiar with the above named child based upon his/her personal contact as well as through his/her review of the files kept in the regular course of business by the Department, and reports as follows:

- A. B. [REDACTED] M. [REDACTED] 01/03/1991 is the mother of the non-marital child, C. [REDACTED] M. [REDACTED]. Her last known address was at [REDACTED]. Per a check of Milwaukee County Inmate Search and Vinelink.com on 03/06/2018, Ms. B. [REDACTED] M. [REDACTED] is not incarcerated at these locations. CCAP records reveal the following cases: 2010 Carrying a Concealed Weapon (10CM006123).
- B. Per KIDS/CARES, the adjudicated father of said child is J. [REDACTED] C. [REDACTED] 11/18/1990. According to KIDS/CARES, the father currently resides at [REDACTED]. Per a check of Milwaukee County Inmate Search and Vinelink.com on 03/06/2018, Mr. C. [REDACTED] W. [REDACTED] is not incarcerated at these locations. CCAP records reveal the following cases: 2014 Armed Robbery (14CF001131); 2012 Domestic Abuse-Temp Rest Order (Petitioner is Bernadette Murray) Injunction effective until 04/10/2016 (12FA002326); 2011 Battery and Disorderly Conduct (11CM002362); 2010 Carrying a Concealed Weapon (10CM006124); 2010 Carrying a Concealed Weapon (10CM001522). Child is not placed with the father because: DMCPSS has not been able to assess him yet.
- C. Child is currently placed in home with the mother, B. [REDACTED] M. [REDACTED]. Address is not disclosed due to the mother is fearful of her significant other coming to harm her and/or her kids.
- D. The evidence presented demonstrates that the children have been exposed to domestic abuse. Petitioner asserts that children who witness domestic abuse can suffer severe consequences to their emotional and physical well-being. Petitioner cites the following research as support:

1. Children in homes where domestic violence occurs are physically abused or neglected at a rate of 1500% higher than the national average. (Ford, S. "Domestic Violence: The Great American Spectator Sport." Oklahoma Coalition on Domestic Violence and Sexual Assault, 3.)
2. In a national survey of more than 2,000 American families, approximately 50 percent of the men who frequently assaulted their wives also frequently abused their children. (Murray A. Straus and Richard J. Gelles, "Physical Violence in American Families", 1990.)
3. Children who witness domestic violence face a 50 percent chance of being physically abused themselves. These children learn violent anti-social behavior by watching, and they often repeat the cycle of violence in their intimate relationships, thus triggering a response by an already overburdened criminal justice system. (Dr. John D. Burrington, "We Learn What We Live: The Effects of Domestic Violence on Children", *The Colorado Lawyer (Special Issue)*, Vol. 28, No. 10 at 1, (Oct. 1999).)
4. If a child is exposed to violence in the home and is the victim of parental violence, that is quite likely – as much as 1,000 times more likely than a child raised in a nonviolent home – to grow up and use violence against a child or spouse. (R. Gelles, *Family Violence* 142, 1979).
5. Witnessing domestic violence increases drug/alcohol abuse/teenage pregnancies. Children are present in 41-55% of homes where police intervene in domestic violence calls. Children in homes where domestic violence occurs may experience cognitive or language problems, developmental delays, stress-related physical ailments (such as headaches, ulcers, rashes), and hearing and speech problems. (Department of Community Affairs. "Domestic Violence: A Guide for Health Professionals", State of New Jersey, March 1990.)
6. Children who witness domestic violence kill themselves at 6 times the national rate of suicide. (Buel, S.M. "The dynamics of domestic violence cases in the United States of America: An overview in defending battered women in criminal cases." *Defending Battered Women in Criminal Cases*. American Bar Association, Section of Criminal Justice. (1992).)
7. 63% of youthful offenders (ages 11-20) who commit murder do so to kill the abusers of their mothers. (The Violence Against Women Act 1990: Hearings on S2754, Senate Committee on the Judiciary Reports, 101-545, 101st Congress 2d Sess. 37, 1990.)
8. In addition, in a recent study regarding the convergence between epidemiologic and neurobiological evidence of the effects of childhood trauma, researchers revealed that "childhood abuse and exposure to domestic violence can lead to numerous differences in the structure and physiology of the brain that expectedly would affect multiple functions and behaviors. Numerous studies have established that childhood stressors such as abuse or witnessing domestic violence can lead to a variety of negative health outcomes and behaviors, such as substance abuse, suicide attempts and depressive disorders." (The Enduring Effects of Abuse and Related Adverse Experiences in Childhood, Robert Anda et al., *Euro Arch Psychiatry Clin Neurosci* (2006) 256:174 – 186).

What was the original cause for concern that led the Bureau to make contact and intervene?

- E. A report with same day response time was screened in on 3-5-18. On 3-4-2018 there was an allegation that B [REDACTED] M [REDACTED]'s significant other, C [REDACTED] W [REDACTED], punched his son, C [REDACTED]. Police did not find Mr. W [REDACTED], and the caller believes there is a warrant for his arrest. On 3-5-2018 B [REDACTED] M [REDACTED] presented with her children, H [REDACTED] (4) and C [REDACTED] (6). H [REDACTED] has a swollen 2" bruise to her right cheek, and a scratch on the side of her neck. H [REDACTED] said she also has a bruise on her head. When asked about this Ms. M [REDACTED] said later on 3-4-2018, Mr. W [REDACTED] returned to the home and punched and choked H [REDACTED]. C [REDACTED] has an abrasion on her elbow and Ms. M [REDACTED] said she also has a mark on her body from Mr. W [REDACTED].

but did not give more information. Ms. M [REDACTED] is taking the children to the Child Advocacy Center. There is concern about her ability to be protective. When asked if she knows where Mr. W [REDACTED] is she said he is probably at her house. She said Mr. W [REDACTED] has also been violent to her for the last three years. Ms. M [REDACTED] presents as flat and does not express any plan to end this relationship or to protect the children from abuse. Mr. W [REDACTED] has been referred to the District Attorney's Office twice in Milwaukee for Child Abuse charges and was also referred in Chicago for criminal child abuse.

Detailed description of the actions taken (TPC) to protect the child(ren) and why, including options considered to prevent removal

- F. DMCPS was not able to coordinate protection planning as this case is under active investigation and Ms. M [REDACTED] is unable to sustain housing that is stable enough for her and M [REDACTED] to reside in. Ms. M [REDACTED] requested assistance in caring for her child until a job and more secure and stable housing can be located. This leads to the impending danger of parent is "Unable to ensure the basic needs of the child", M [REDACTED] are met. Ms. M [REDACTED] arranged for her child to be placed in a safe environment.
- G. The children under the marital home of Ms. W [REDACTED] and Ms. M [REDACTED] are subjected to present danger related to domestic violence that is out of control according to the protective parent Ms. M [REDACTED] who ensured for the children's safety at the point in which she chose for them to leave.
- H. Mr. W [REDACTED] is the focus of present danger with H [REDACTED] having injuries to her face and hands as a result of reported physical abuse to her by Mr. W [REDACTED]. This case remains under active investigation. In addition, C [REDACTED] Jr. has been subject to violence as reported by his from his father that is ongoing and places him as well as his siblings at continued risk of harm. C [REDACTED] said he is not safe at home and feels safe with his current caregiver.

Summary of the incident based on Bureau contacts and information gathered

- I. On 3-4-18, Ms. B [REDACTED] M [REDACTED] contacted MPD to execute a plan to leave Mr. W [REDACTED] after it was learned that he had physically beaten her two biological children, H [REDACTED] J [REDACTED] and C [REDACTED] M [REDACTED] with a spoon resulting in swelling. Ms. M [REDACTED] contacted MPD for assistance in leaving their newly rented property at [REDACTED] after moving there over the course of the days since 3-2-18. Previously, the family had been staying in a hotel near the airport and had been moving from various relative homes in Milwaukee that would allow them to stay.
- J. On 3-5-18 after meeting with the Victim Advocate, Abby Van Boxtel, Ms. M [REDACTED] was directed to go to the CAC as this case is pending possible criminal charges. Ms. M [REDACTED] was at the downtown ADA's office with Ms. Ivy Phipps, who helped the family on 3-4-18. Ms. Phipps said she contacted MPD and made a report about what happened with C [REDACTED] and his dad the day prior.
- K. CAC Judy Walczak said H [REDACTED] has diagnostic physical abuse bruising to the right side of her face and a smaller bruise to the left side of her face. She has a purple contusion to her right hand and an oval contusion to the left arm. H [REDACTED] said "spoon" and NP Walczak was not able to understand her further. IASW McFadden asked H [REDACTED] what happened to her face and she motioned with an open hand to her right cheek in a slapping manner that "my daddy hit me for writing on myself." Ms. M [REDACTED] said the Harminee said to her that her dad had choked and scratched her.
- L. C [REDACTED] was also seen by NP Walczak and was observed with minor injury to her left hand/elbow. Both girls have follow up forensic interviews on 3-16-18.

- M. IASW McFadden interviewed C [REDACTED] Jr, who has a forensic interview on 3-7-18 at 11am. C [REDACTED] said he was tired of having to repeat himself over and over again about abuse going on at home because "it takes hours, I can't keep saying it and no one believes me." C [REDACTED] agreed to do a forensic interview again with the understanding that he may have to talk about it further down the road. Jr. confirmed what he told Ms. M [REDACTED] and that he was safe where he was staying with his mother's sister, Mrs. P [REDACTED].
- N. Ms. M [REDACTED] stated she was managing to move the home belongings with the assistance of Mr. W [REDACTED]'s mother, E [REDACTED] W [REDACTED] who provided child care for the four children when they were moving belongings. Ms. M [REDACTED] said Mr. W [REDACTED] beat her with his fists and smashed her forehead into the steering wheel of their van. Ms. M [REDACTED] said they have fought physically before, but she had never been seriously harmed. She reported the physical abuse as infrequent and it "never occurred" around the children when she was asked. Ms. M [REDACTED] said the incident happened on 3-3-18 and she was hurt, but had no visible injuries.
- O. Ms. M [REDACTED] said she had planned an exit strategy when she left the home on 3-4-18. She said she had to run an errand to get money and was gone for about an hour and when she returned to the home, "Jr. came to me and told me what his dad did to C [REDACTED] and H [REDACTED]." Ms. M [REDACTED] said while she was gone Jr. told her that the girls found some markers and were making a mess with them. Ms. M [REDACTED] said Jr. told her the girls were hit with a spoon to their hand by his father. Ms. M [REDACTED] said she observed the broken wooden spoon.
- P. Ms. M [REDACTED] said she contacted the police because she knew to report the incident on 3-4-18. Ms. M [REDACTED] said when the police arrived, they looked at H [REDACTED]'s injuries and by this time, Mr. W [REDACTED] had gone to work. She said the police didn't do anything and told her if she was planning on leaving Mr. W [REDACTED], now was the time to do it. She stated no one interviewed or talked to them about the domestic violence.
- Q. Ms. M [REDACTED] said she worked on 3-4-18 on arrangements for where she wanted the children to go. Ms. M [REDACTED] said Jr. told her what happened on 3-3-18 when he was helping his dad move bags from the car and his dad pushed him to the ground after his dad punched him. Ms. M [REDACTED] said she had seen Mr. W [REDACTED] do this one time to Jr. and observed him make Jr. to squats. Ms. M [REDACTED] stated she had not seen the physical abuse allegations brought up by Jr. about his father, because she suspected it occurred when she was not around the home.
- R. Ms. M [REDACTED] said she had phone numbers for relatives and reached out to have M [REDACTED] go with her aunt, T [REDACTED] W [REDACTED] M [REDACTED] at [REDACTED]. Ms. M [REDACTED] said "I cannot have her with me right now, there is no room and I need to focus on getting things together for her life without Mr. W [REDACTED]."
- S. Ms. M [REDACTED] said her daughter, H [REDACTED] will remain with her at an address she asked IASW McFadden to not disclose out of fear for their safety. Ms. M [REDACTED] said she took C [REDACTED] to her father, J [REDACTED] C [REDACTED] mother's house who is named L [REDACTED] R [REDACTED] at [REDACTED]. Ms. M [REDACTED] said she reached out and was able to locate a relative of C [REDACTED] Jr. named P [REDACTED], and this is where Jr remained as she coordinated the safety of herself and the three girls.
- T. Ms. M [REDACTED] reported to IASW, "I have never seen Mr. W [REDACTED] physically hurt her girls before and I knew when I got home and saw what happened was that it was time to leave." Ms. M [REDACTED] said the difficulty in their relationship before had been a burden to her and she had considered making it work. Ms. M [REDACTED] said things would get better for a while and he was a good father to her children, but she knew this incident had to be reported. Ms. M [REDACTED] stated she wants a child abuse injunction against Mr. W [REDACTED] and will be meeting with a Sojourner Family Peace advocate. Ms.

M [REDACTED] said she would do anything CPS needs to keep her children safe and said she would cooperate with what is needed.

- U. On 3-5-18, IASW reached out to Mr. W [REDACTED] to discuss the TPC of the children as a new report had been received regarding physical abuse. Mr. W [REDACTED] reported he "got home for work and only his belongings remained in the home." He said they did have an argument. IASW informed him that Jr. said he did not want to remain in the care of his father and the girls reported physical abuse with a spoon.
- V. Mr. W [REDACTED] said "this had gone too far, she's taking this too far, I'm going to jail for this?" IASW informed him about the injuries to H [REDACTED]'s face and hands and he admitted to hitting them for messing with markers and denied he caused any other injury.

Any pertinent history that supports the premise that the incident may not be an anomaly and/or the dangerous conditions are a pattern?

- W. On 11-14-18, H [REDACTED] was interviewed at Cass St. School and said her brother was choked five days ago by dad and said the police brought her brother home last night. When asked what the police said she said "they told him to be a good boy." H [REDACTED] was asked what her mom said and said "get out of my face you fucker." H [REDACTED] said her brother is always getting yelled at by her mom and denied her mom hit him. She said she has to go to the corner and said she has seen her dad whip Jr with a belt.
- X. On 11-15-17, C [REDACTED] was interviewed at Cass St. School and said she likes her mom that her mom gives her ice cream. She said she's sad for her dad because he's in the hospital because his legs are bleeding. C [REDACTED] denied any problems at home and said Jr. is with his granny at church. She said he runs away and the police were at the home. She said if he gets in trouble he doesn't get any snacks. She said "my mom screams at Jr. She will tell him the f word. IASW asked if she is ever yelled the f word and she denied this. IASW asked what she likes the best about her parents and she said the things they buy her when they go to the store. IASW asked if anyone gets hurt at home and she said there is no hitting, not choking and no popping with belts. IASW if Jr. gets whoopings and she said only T [REDACTED] (later identified as the granny or mom of K [REDACTED]) is allowed to whoop him.
- Y. On 11-15-17, IASW met with C [REDACTED] Jr and C [REDACTED] today at school. There is no identified maltreatment. He denied stating he was scared and was upset the siblings were brought into the interview. C [REDACTED] said he was fine and his parents just "are strict". IASW asked about how his father was doing and he said he is still sick but working. IASW asked what he likes about his step-mother and he said "it's hard, let me think, she tries to get me in trouble, she picks at me." IASW asked what happens if he gets in trouble at home and he said his dad "yells or will pop us on the hand." IASW asked if he's been hit with anything besides a hand and he said he's been "hit with a belt sometimes if he's real bad or he slaps me. I get talked to more or he slaps my hand." IASW asked if he'd been choked and he denied this, but "he made threats." IASW asked how he felt about being with granny and he said he liked her, she's "a church lady." He said he can talk to her about his problems and she will help him with homework, stating, "she's nice, she yells." Mr. W [REDACTED] is still hospitalized and called to state he is open to meeting when he's out of the hospital and that when questioned denied maltreating Jr. . For now the children are staying with his mother, E [REDACTED] W [REDACTED]. IASW sent via email to Mr. W [REDACTED] Wrap/Reach pamphlet.
- Z. Mr. W [REDACTED] reached out for advice in late December stating he was having a hard time with Jr. running away and increased problems at school. IASW gave him information for Rogers's inpatient.

AA. On 1-3-18, IASW received access email regarding Rogers SW Ms. Andrea Sondara having additional information in regards to Jr. She said around 1-2 months ago, C [REDACTED] said he was trying to run away and his dad had him against the van and was punching him to get in the car and threatening his life stating he was going to put him in the dumpster. During this time, he said his dad was punching him in the ear, but he could not hear him because his other ear was against the seat. He said this caused him to get his ear spilt open. C [REDACTED] said he is punished by having to go to the pantry for hours on end. On occasion, he said after everyone goes to bed, he will still be in the pantry and his dad will hit him if he shuffles. C [REDACTED] said his dad and mom fight and he overheard her on the phone stating she wants to leave him, but he tells her she will not be able to keep the baby. C [REDACTED] disclosed his biological mother was also abusive to him in that he would have to stand for a half hour on one leg holding books. If a book dropped his mom would hit him with a belt and add yet another book onto the stack. C [REDACTED] begged to not let CPS know what was going on, that he will get in trouble for this. He was continued to report so he could be safe. SW stated they have connected C [REDACTED] up with the Strive program on Brown Deer with dad's consent and this is an extended all day behavioral treatment program, so he will not be attending school. There is a 2-4 week waiting period for this. Currently, C [REDACTED] is on Intuniv, Concerta and Melatonin. The plan is to continue with regime at discharge which will likely be Friday, 1-5-18. Of concern is the father and step mother have not come in for any family sessions. Over the phone, the father has declined or refused to answer questions and calls get disconnected with him not being available on call back. When asked what happened he said the social worker was asking the same question over and over. It was unknown if he was tired, out of it or if the phone was having problems cutting out. He still has not participated in a family session.

BB. IASW arranged for hospital visit on 1-3-18 at 3:30pm with SW Andrea Sondara. IASW spent about an hour and 15 minutes with C [REDACTED]. It should be noted that there were many moments during the interview that he began to with his eyes closed as he was making free narrative disclosures about what's been troubling him. C [REDACTED] likes to be called Jr and will be referred to during this narrative as such. C [REDACTED] said he has worries about this dad and his family tells him the reason his dad is sick is because of the all the stress Jr. puts on him. C [REDACTED] said his dad will do anything to "play the law" and not have to deal with CPS which includes lying about the facts and trying to keep him locked up is his dad's goal. He said his mom, named B [REDACTED] pick at his dad's feet and legs which makes them worse and he also has problems with his hands swelling up and turning red. Jr. said the day IASW went out to the home on [REDACTED], his dad was in the hospital and his grandmother named E [REDACTED] W [REDACTED] "didn't know what was going on." His grandmother put the family on speaker phone in front of him and he heard them blaming the stress on Jr about dad's hospitalization. Jr. said he knows the stress is not all about Jr, rather he know how stressed out his dad is by work and being responsible for people as he's seen his dad work. Jr. said he's never brought to his dad's attention how he feels blamed for his dad's illness.

CC. Jr. then talked about how sad he was that no one wants to come see him or talk to him on the phone when he's been at Rogers for about the last 10 days. he said "I call, no one answers or if they answer, they hang up. I know the routine at home, like when they will answer and I hate it when they don't answer, but I time it perfectly, several times I try. I know when the girls get their snacks when they come through the door. I feel completely shut out. Dad's only visited me one time and he said he'd visit today." SW confirmed visiting hours are from 5:30pm to 6:30pm.

DD. IASW asked him again about the first time IASW met him at school and what had happened. Jr. said both he and his sister were kept for an incident he was involved in. Jr. said he was informed his parents were coming to pick him up and he got scared. Jr. said he normally takes the bus and when he tried running the staff held him at the door, then they grabbed him to escort him to the car. Jr. said he got into the car when his dad told him "don't kick his sister in front of him because that would be the last thing you'll ever do." Jr. said this caused him to get out of the other side of the car and "I just ran up the alley and slipped on a log." He said the other kids and staff were holding his legs and not letting him go. IASW asked why he was running from his dad and he said "I don't want

to be with him anymore, I'm tired of being hit every day." He reported getting hit in the face one time in December because he got suspended and was getting ready to do the dishes. He said his cousin put salt in his water, so he spit it into the sink. His dad was upset after his mom "got mad" and "my dad hit me in the mouth with a balled fist." Jr. said his lip split and he cried stating it hurt.

EE. Jr. said he got suspended in December and said he didn't know he was suspended. Jr. said this caused him to get ready for school and to get on the bus the next day and admitted he was told by the bus driver he was suspended from the day before causing him to get angry and yell. Jr. said he was yelling at the bus driver and this caused Kamid Everett, the family friend they stay with along with her mother, Lynette Everett to come outside and alleged Ms. Lynette Everett was hitting and pushing on him to get back in the house. He said both adults accused him of trying to swing on him, which he said he denied.

FF. Jr. said this goes on all the time at home when his mom, E [REDACTED] consistently lies and tells his dad that he tried to swing at her. Jr. said his dad found out and he picked me up by the neck and smashed me into the wall." Jr. said another time this happened at his granny's house when his dad threw him on the table almost breaking the glass because my mom said I touched the girls." Jr. said he told his dad he didn't and his dad told him not to lie. He said "they threw a fit and kept saying the girls said I did it." IASW asked what happened next and he said they told him they took the girls to the doctor and the doctor told them Jr. didn't do it. Jr. said the doctor was told that it was Kamid Everett's child, allegedly named Deonte Triplet who did this. Jr. said, "he didn't even get in trouble for it, he was sent to live with someone else. He gets to get out and go to the park and store. He didn't get in trouble for that like I did."

GG. Jr. said he was done talking about these things and IASW asked him about the loss of his brother K [REDACTED]. He said K [REDACTED] died at the hospital and they had the funeral at a Methodist church. Jr. then discussed how his dad hits with his "hands anywhere he can" and reported being hit with a belt one time on 13th and Arthur. IASW asked if he'd received any marks from any whoopings and he pulled up his pant legs to show his mom E [REDACTED] his him with a spatula which caused about a 1.5" scar on his left ankle.

HH. Jr. said he's been blamed for hitting his little sister and will get put in the corner. He said he gets blamed for something every other day if not every day and has to stand "hours on end" in the pantry. He will have to go to the pantry when he gets home from school and will only get to sit and eat for supper for 10-15 minutes. He said he will have to go back to the pantry for another two hours, thinking the total is at worst for five hours a day. Jr. said "I can't run, he catches me every time. He said one time his dad pul him "in the tub, pointed a pistol in my face with the barrel to my head." He said this happened multiple times, but Jr. said he told a classmate about what happened when his dad tried to kill him with a pistol, stating, "I never saw that gun again." He recalled the CPS worker asking about marks and his dad said the only marks Jr has on him is from doing flips. Jr. said he always lied and said there were no marks as well as his dad.

II. Jr. recalled a time when he was in trouble (around Winter Break before his baby brother died) and his dad made hold both his hands out and his dad smashed his hands with the cans. Jr. said his hands were swollen and his dad made him hold ice to it. He said "it hurt like hell." When asked where his step mom was, he said she was not saying anything and smiled. Jr. said after this happened his dad "took a wooden hanger with a metal bar and struck" him on the hands with his, which caused the hanger to break. Jr. said he cried and after this his dad called him into his bedroom, asked him to hold out his hand for a strike with the hanger said, "he said what chu flinching for? what, you don't want it?" Jr. said there are times when he and his sisters are hungry and his dad tells them, "you eat, when I feed you" but said his dad was sleeping. He helped himself to some lunchables for themselves and got punished for it.

- JJ. IASW asked how things have been going with the baby and he said "she's fussy but spoiled." He said she has different cries, "like when she screams she's wet, when she stops and starts crying she's hungry. If she won't stop crying she wants a bath."
- KK. IASW asked him how he feels about his mom B [REDACTED] and he said "she's short, thinks she's the boss, she hits and throws things at me. She's always telling people what I did and what she did, that I swing off on her. She short." Jr. said he is tired of getting hurt and started crying again, stating "why can't I start doing it to them?" Jr. said he tells his dad what happens and his dad always tells him to not disrespect his wife. He said they are "always pissy with me and they say I'm pissy with them, but they won't stop." He said the same thing happens at school, that students don't like him and hit on him, but he's told not to fight back. He said the minute they start hitting on him, he's on the floor and cannot do anything. Jr. said his dad tells his sisters to fight back at school and he will try to help, but get in trouble for it. Jr. said his dad lied to staff at Rogers and said he'd been suspended 5-7 times and he's only been suspended twice clarifying the others were "incidents."
- LL. Jr. said he was tired of talking about this and he didn't want to go home. IASW talked about planning if he runs from the home and he said "I will go directly to the nearest police station." IASW asked about going with his granny instead of the police station and he said "no, she doesn't like me." IASW asked what he meant by that and he said "she's always telling me to leave stuff alone." Jr. said when he was there last his five year old cousin hit on his sisters and he was trying to stop it, then to go and tell her what he was doing. Instead, Jr. said she yelled, "why are you yelling at him like that, I said he hit the girls. She told me to stop acting like that and don't be coming at me like that you is the parent. It pisses me off." Jr. said he was done talking and wanted to go eat dinner.
- MM. On 1-4-18, IASW McFadden had a positive school visit with principal Vickie Hall. Ms. Hall has had numerous interactions with Jr and his father and stated "I don't know what to think, he (Jr.) has told me numerous times he does not want to be in that house. I don't know who to believe, the father is very intelligent, he's very open with me. He asked me to explain what his son's disability is and how he got an IEP in the first place." Ms. Hall said he asked for additional information on how to help his son and she encouraged a visit to CHW for more in depth testing as she said his IEP did not have a lot of information in it. Ms. Hall said "I can see him getting in trouble at home. Jr. can be annoying, he's always in some child's face, there have been accusations of him touching girls on the bus. He will not take responsibility for things and blames other, he gets in fights. He will get at a child with words and that child will turn around and smack him." When he's confronted about it he will say he didn't say anything. Ms. Hall said "he always fights back and plays the victim." Ms. Hall said she feels Jr. may be trying to manipulate her and gave the following example. Jr. does not like to go to math and wants to always be with his IEP teacher who he is very close with. He has been caught by Ms. Hall skipping class and walking the halls. Ms. Hall said he tells her "if you call my dad I am running." On the other hand, she has seen him run on multiple occasions to get away from the parents if they have to come and pick him up. She said it is odd in that he will always make sure the girls get on the bus is he is suspended from the bus, then he tries to run. She also confirmed there were a couple times in December when this happened. Ms. Hall said Jr. is the type who initiates fights to fit in and will say things to offend other children as he "likes negative attention." Ms. Hall mentioned that Jr. sometimes said he'd like to go by his uncle's house or his grandmother's house, but was not sure who. She said Jr. has also told her he would like to go to foster care but his sisters have to stay home.
- NN. IASW shared information regarding Jr. statements about additional disclosure of issues at home and Ms. Hall said, "he is the type of kid where the more you get to know him, the more he has to say."

- OO. IASW then saw H [REDACTED] at school, who presented as clean and willing to talk about how things are at home. She said Jr. is at T [REDACTED]'s house and said M [REDACTED] "is sick all the time." IASW asked what was going on with Jr. and she said, "He makes my mom mad. The police have him." When asked who told her the police have Jr. she said, "my mom told me that." IASW asked what it is that he is doing to make her mad and she said "he picks up at the baby M [REDACTED] and messes with her by bumping her head, he almost hit her." She said he got a whooping for this. IASW asked about whether or not anyone has hurt her and she said "my dad's whoopings don't hurt. My mom whooped me two times with a belt because I wouldn't lay down." She said her dad took her clothes down and mom whooped. H [REDACTED] said 7 year old Indura gave her a whooping too, however, WISACWIS shows her as #9341712, age 14.
- PP. IASW asked about a time Jr. got in trouble and she talked about how he takes sodas and juices from mom. She said her mom said "he asked for it and got a five day." She said there are times when Jr. does not go to sleep and he has to stand in T [REDACTED]'s room or in the pantry. IASW asked when he goes there and she said when he gets home from school. IASW asked if he has to go back to standing after dinner and she shrugged no. IASW asked if anyone gets hit with a hanger and she said "hangers don't work, but T [REDACTED] got hit with a hanger." She denied ever seeing Jr. get hit with hangers. She said she helps out at home by her mom yelling at them to clean their room. IASW asked about Jr. coming home and she said she didn't want him to come home.
- QQ. IASW attempted to see C [REDACTED], but she was absent on 1-4-18 and 1-5-18. She and her sister have very poor attendance at school. IASW met with SSW Cathy Harrison, who said Jr. consistently has exhibited avoidant behaviors and noted his explanations of things always seems to change. There are attendance issues with the girls and it is not clear as to why. Both parents have been responsible in terms of answering calls and there was noted irritation with the father on how the school handled a couple situations. Last year, there were essentially no issues of behavior with Jr. but this year, since November on his behaviors have continued to be a problem. There has been approximately two suspensions and around five incidents since late November. SSW will email the IEP, behavioral incidents, attendance and grades for the children next week.
- RR. On 1-5-18, IASW conducted positive visit at Rogers to meet with Jr. He said he didn't want to talk with IASW. Jr. and IASW were offered to speak in the time out room or quiet room as they refer it. Jr. and IASW discussed what dad's plan was Monday as he will likely be discharged then. IASW also shared with him that his dad's response to not seeing him was dad wanting to show some "tough love" to which Jr. responded, "fuck that." IASW shared that his dad is likely going to arrange to have PGM take him and Jr. said "fuck that, I'm not going to go with her." IASW asked why and he said "all she does is have an attitude about things" and when asked for an example, he said "she tells me to take the garbage out and if you take a minute, she's on you. I won't do it, she has an attitude."
- SS. IASW asked how he thinks the medicine is going and he said he didn't know but that now he's seeing and hearing things. He said "I have schizophrenia." IASW asked if he told the doctor and he said no. IASW asked what is he hearing and he said, "they are bad voices talking to me about the bad thing that happened in my past." He said he sees things to and said, "it's right there, next to you." He said it was bad energy.
- TT. Jr. no longer wanted to discuss things and went back to the group. IASW shared information with RN on staff. RN stated the father was overly upset stating staff at Rogers told him they would send Jr. to juvenile hall if he was acting out and threatening staff. She said this caused staff around her to question what was being said on the other end of the phone because "I was talking him down." RN stated she feels he hung up on her "last night because he didn't call back." RN stated their staff do not tell people they are going to arrest children at their facility. This learned information is consistent with what Jr. stated to IASW about dad wanting him locked up and H [REDACTED] stating "Jr's in jail."

- UU. On 1-5-18, IASW spoke with Rogers SW Elizabeth Brundt at 203-4471, who reviewed Dr. Kleven's note from when he spoke with the father on 1-4-18. She said the note mentioned that Mr. W█████ was frustrated with his son in that he hurt another child and felt he would be arrested. The father told Dr. Kleven, that "you can keep him." She also stated Jr. was not choking a child rather he put his hands around the child's neck. No marks were noted. She said Jr. has a "low frustration tolerance" and noted he's been aggressive on the unit with the hands incident and then later in the night started another fight with a male. He was also noted to be swearing, talking inappropriately and needing frequent redirection.
- VV. SW Brundt phoned at around 5:45pm stating that she spoke with Mr. W█████ and the paternal grandmother will not take Jr.
- WW. On 1-5-18, IASW reached out to Mr. W█████ via email to discuss additional relative options as he indicated to staff at Rogers, the PGM would not take Jr. and Jr. told IASW he would not go with granny.
- XX. Mr. W█████ immediately called IASW from 630-641-2260. Mr. W█████ said he has no other relative options. Mr. W█████ said he is concerned about having a safe environment at home for the other children he has. He began to cry and talked about how he and his wife have talked about separating so he and Jr. can have their own space. IASW shared with him some of the statements that Jr. said and he said he is "not worried about them, that he has nothing to hide." IASW asked if he threatened Jr.'s life in regards to kicking baby M█████'s car seat. He said M█████ was not hurt, that she was safely buckled in and Mr. W█████ told him he was "going to kick his ass" if he ever did it again. IASW shared with him that H█████ was seen yesterday and asked if he told her that Jr. was in jail and he said he did not. Mr. W█████ said there is a "9 year old girl who is mouthy" and who watched the girls and used profanity. IASW asked about hitting as both children had reported use of belt etc. and he said with the girls he will use his hands along with Ms. M█████ to smack their hands and butt. He said "it never goes to the next level" and denied the use of objects for hitting. With Jr. he said the pantry is used for about an hour and he will have to look out the window. Mr. W█████ said no one will work with Jr. and Jr. always says "people are beating on him and they don't like me." IASW asked about any allergies for Jr. and he said there are none, but "if you ask him, he's allergic to half the world." He said there was a time when Jr. spit into the sink and said it wasn't saltwater. He said Jr. spit into the sink on the dishes and he "had to wash every dish." IASW asked if he's compliant in doing chores as one prior report indicated Jr. is told to take out garbage and it ends up all over the yard. Mr. W█████ said Jr. will sabotage any chore he has to do or flat out won't do it. For example, he said Jr. will squirt an entire dish detergent bottle if he's not watched into the sink to do the dishes.
- YY. IASW discussed Jr.'s mental health issues escalating and Jr. stating he has schizophrenia. Mr. W█████ said "this is all his mom coming out." His mother has mental health issues per Mr. W█████. IASW asked about the LKA of the mother and he stated he reached out to her to update her on Jr.'s status. Mr. W█████ said he has no working number, that she calls private or texts under scrambled numbers. Mr. W█████ said
- ZZ. Mr. W█████ was not available to meet on this date as he's driving food for a restaurant on the north side. During the course of the assessment, IASW discussed the option of court and discussed TPC likely occurring on 1-8-18 when IAS Harris covered the case. She wrote on 1-8-18, "IAS Harris made face-to-face contact with C█████ Jr at Rogers-West Allis. IAS explained to Jr that he will have to be placed at Pathfinders or Walkers point until his original IASW returned. C█████ Jr. stated that he will only go to the discussed placements if it has less than 15 youth because he gets anxiety around too many children and older kids. He further stated that he has a difficult time making new friends and fitting in with them because he has been bullied before.

- AAA. During this visit, IAS called Pathfinders to make sure that they had room for C [REDACTED], which they stated they did. The staff at Pathfinders needed to confirm that he was a great fit for their facility and requested to speak with him. The staff spoke with C [REDACTED] and they accepted him into their shelter. IAS discharged C [REDACTED] from Rogers and transported him to Pathfinders. IAS also went to Walgreens and filled his prescriptions (Intuniv 1mg and Concerta 36mg). IAS spoke with Mr. W [REDACTED] and advised him that Jr. agreed to go to Pathfinders youth shelter. IAS explained that IAS will call back once he was placed and settled into his placement.
- BBB. IAS spoke with Mr. W [REDACTED] at 8:04pm and confirmed that Jr. was settled into his placement at Pathfinders. Mr. W [REDACTED] seemed relieved and stated that will give him time to find other family members to assist with his son."
- CCC. On 1-16-18, IAS Harris wrote, "Michelle Schreck, therapist at Rogers Memorial Hospital in Brown Deer, called 220-SAFE requesting contact from the assigned IAS, Rebecca McFadden, as soon as possible. It was just learned that the father picked up C [REDACTED] from Pathfinders last night and C [REDACTED] is not at day treatment today. The caller is concerned, as the caller does not know if it is okay that the father picked him up from there. The caller was told that the father said to Pathfinders that he spoke to someone at Rogers about this, but according to the caller, the father did not call anyone at Rogers, as far as she is aware. The caller is aware there are current allegations of physical abuse to C [REDACTED] by the father being investigated and the father is aware he is supposed to be at day treatment. The caller can be reached at 414-865-2481. The caller has also left a voicemail message regarding this for the assigned IAS."
- DDD. On 1-17-18, IASW McFadden contacted Amber Gierch at Pathfinders to inquire as to last nights events regarding Jr. discharging. Amber said Jr. had been threatening to fight another child at their facility and Jr. was not willing to separate to go into another room for de-escalation. Jr. kept stating he didn't care if he died and said he didn't want to do anything with Pathfinders anymore, that he needed to go inpatient. Jr. informed them he wanted to call his father and Mr. W [REDACTED] ended up coming to the facility. Mr. W [REDACTED] said Jr. was trying to use the reason to go inpatient was his way of trying to get out of doing outpatient, but noted that dad may have been considering doing this as they were not going to keep Jr. at Pathfinders if he did not want to be there. There was no documented indication of fear and staff noted that Mr. W [REDACTED] contacted and spoke with IAS Harris who informed that unless dad is refusing CPS would not get involved further this evening. Pathfinders would have to staff Jr.'s case if anyone decided he needed to return. The staff member last night was Jessica Byrne who will return on 1-18-18 at 4pm.
- EEE. On 1-23-18, Mr. W [REDACTED] came to the office with the children and IAS Drain watched them while IASW met with dad and M [REDACTED] and to discuss CPS allegations. On 1-24-18, IASW McFadden met with both Mrs. M [REDACTED] and Mr. W [REDACTED] for two hours at the office to address allegations and get updated IA information. Both parents stated they had major problems with Jr. prior to Christmas and decided on inpatient as he was escalating with physical abuse towards Mrs. M [REDACTED] and would get into yelling matches with her. Mrs. M [REDACTED] admitted to pushing him and said he then swung hard and hit her face. Relatives stepped in at the household and separated them. Mrs. M [REDACTED] said she had hit Jr. with an open hand to his arm. She also expressed fear of him at times because of him previously kicking the baby's car seat and the fact she is not even 5 feet tall. Jr. is bigger than her. She said that if he is kicking and screaming at her, she will "not say anything" because he will get more upset. She also admitted she "will cuss him out if he's in her face and he pouts." They both reported he'd been ok since he's been home and has stopped running today. They denied Jr being sat on or hit by K [REDACTED]. Both parents said the last time Jr was spanked was when they were on [REDACTED].
- FFF. IASW expressed concern about Rogers with Mr. W [REDACTED]'s lack of involvement in therapy and planning and he reported there was too much going on in the family with car problems and working both of their transportation schedules. Both stated they view Jr as having progressed as he's taking

meds on his own and he will not just jump up, he will think first. Jr has also reportedly been aggressive with siblings and has pushed the girls down for no reason. Since he's been home, "it's all changed, they welcomed him with open arms we miss you." The parents denied they told the girls to say Jr was in jail and admitted to having issues with some of K's older girls who were feeding inappropriate information to the girls. IASW inquired as to living situation, bussing issues and different addresses and both stated they are really in transition at this time and going from home to home mostly stating they stayed at K's. Both denied K was being or his mother were being abusive and that they were restraining Jr, but also no longer allow them to do this or let them monitor the children. Both parents have opposite work schedules, so either one is in charge with minimal issues.

G.G.G. In response to lack of food at home, the parents denied this stating "we have to force them to eat all the time. We have meals after meals and eat chicken, mac and cheese, mashed potatoes." The parents felt with Jr bringing back the "firearm" issue, he was really using negative attention seeking behaviors and his story had "now grown." The denied having firearms in the house and Mr. W denied smashing cans on his son's hands.

H.H.H. During the 1-31-18 forensic interview by Lynn Gahagan, Jr would said "I refuse to talk" and when asked about the exam he said, "the doctor touched me more than I wanted. I said no to talk when I met with you." This was prior to the actual interview, when Lynn met with him in the waiting area. When he was asked why he said, "I just don't wanna talk, I don't feel like it." When asked if he could say anything about himself, he said "I'm 12, I go to Cass St, I like football, I have no worries, problems or troubles. You ask questions about family and all you do is question us. We are a happy family since Rogers, we sit together and joke around, we be family." When asked about previous allegations he was stating about abuse, he responded "now it doesn't matter." Jr never did deny he said the things he said.

Information gathered thus far that helps understand more than the incident

III. The information is gathered prior to the 3-4-18 CPS report:

J.J.J. 's sister H expressed concern about Jr. being rough with M. M has been to her primary doctor at least three times since birth and was due for a well child check at three months in January. She has been sick with a URI and had a type of yeast infection.

K.K.K. There are no known effects of maltreatment at this time, but the investigation is ongoing.

L.L.L. Ms. M said she does not discipline her children but that she has Mr. W do the disciplining. She said she is focused more on the little ones and ensuring they follow rules and allows them to earn four to five dollars when being good. With punishments, she said there is no hitting as they do not do much of anything wrong. She will have to repeat herself and tell them to put things away. She denied the use of belts, instruments or hitting and said when asking for clarification that she will hit the girls with her hand to their hand if needed. Mr. W did indicate that Ms. M prefers for him to discipline the children because they respond to him better. He stated that he does tell them that they have to listen to Ms. M as well and the family rarely has issues with this.

M.M.M. Mr. W is the primary disciplinarian in the home. He indicated that he does not have to discipline the children very often. Mr. W stated that, at times, C and H will fight over a toy or the TV and he will first tell them to "stop it" or "knock it." Mr. W stated he reminds them that they need to share and be nice to each other. If they continue to argue or fight, he will send them to their rooms for a few minutes or put them in a corner.

NNN. Mr. W [REDACTED] indicated that he does not believe in physical discipline but did admit that he has threatened to whoop and has whooped him in the past. He said he will also have Jr. go to the corner in the pantry so he can look out the window and this will be for 15-30 minutes. He denied excessively putting him in the corner.

OOO. In regards to the current referral, IASW McFadden shared with him some of the statements that Jr. said and he said he is "not worried about them, that he has nothing to hide." IASW asked if he threatened Jr.'s life in regards to kicking baby M [REDACTED]'s car seat. He said M [REDACTED] was not hurt, that she was safely buckled in and Mr. W [REDACTED] told him he was "going to kick his ass" if he ever did it again. IASW shared with him that H [REDACTED] was seen yesterday and asked if he told her that Jr. was in jail and he said he did not. Mr. W [REDACTED] said there is a "9 year old girl who is mouthy" and who watched the girls and used profanity. IASW asked about hitting as both children had reported use of belt etc. and he said with the girls he will use his hands along with Ms. M [REDACTED] to smack their hands and butt. He said "it never goes to the next level" and denied the use of objects for hitting. With Jr. he said the pantry is used for about an hour and he will have to look out the window.

PPP. Mr. W [REDACTED] like to play and interact with them when he is available to do so. Mr. W [REDACTED] was observed and described to be an active participant in K [REDACTED]'s, C [REDACTED]'s, and H [REDACTED]'s lives. He provides them with their basic necessities through his income. Mr. W [REDACTED] said he loves the relationship he has with Jr. and feels he is his "rock star" and verbally rewards him when he's being awesome. Mr. W [REDACTED] wishes Jr. could have a relationship with his mother but communicated being protective and guarded about it as well due to her letting him down. Mr. W [REDACTED] stated that he opened his heart to Ms. M [REDACTED]'s children because he loves them and feels that they need a father figure in their lives. Mr. Williams stated that he "is big on teaching children respect from an early age," because he believes that respectful children become respectful adults with good morals and values. Both parents report being very involved with school and meetings with staff as well as volunteering for chaperone duties at school.

QQQ. Mr. W [REDACTED] said he is very conscious of acknowledging with Jr. how important it is that he sees how well he is doing so success is further encouraged. He said "we praise him so much for what he does with the kids and how he helps out at home as a big brother. Although he acknowledges baby steps, he sees things as going well with Jr.

RRR. CPS History: B [REDACTED] M [REDACTED]:

1. 11-13-17 Screen out: C [REDACTED] said that when his father hits him the other adults in the home turn a blind eye. This past weekend the father asked his girlfriend B [REDACTED] M [REDACTED] to hit C [REDACTED]. She reportedly did hit C [REDACTED]. Earlier this school year C [REDACTED] said that he is afraid to go home. Today C [REDACTED] told the caller, I am not going home and he is very adamant about not going home. He divulged that he is acting up so that he can be removed from the home.
2. 5-2-16 Unsubstantiated chronically ill child death.
3. 5-22-15 Unsubstantiated Neglect: lack of supervision. It appears the 3 year old child has been burned by touching the iron on two separate occasions.
4. On 5/19/15 the child had a circular burn area on her upper bicep the size of a quarter and two months ago the child had a less than dime sized oval shaped burn on her left palm area.
5. 5-24-13 Unsubstantiated neglect Neglect-A newborn and 1 year old were left in the Lad Lake parking lot alone, in the mother's vehicle with the windows rolled up. Another witness said the keys were in the ignition.
6. 1-14-14 CWO The paternal grandmother of (C [REDACTED] M [REDACTED]) wants to obtain legal guardianship of her but she was told by Milwaukee county children's court that she first needs to have BMCW conduct a home study on her. The parental grandmother said that the mother (B [REDACTED] M [REDACTED]) is letting C [REDACTED] live with a paternal grandmother of

Petition for Protection or Services (Chapter 48)

Page 15 of 15

Case No. _____

another one of B [redacted]'s children and C [redacted]'s paternal grandmother is not allowed to see C [redacted] so she wants C [redacted] to live with her.

Any person who divulges information that would identify the child or the family involved in any proceeding under Chapters 48 or 938, Wis. Stats. shall be subject to contempt under section 48.299 or 938.299, Wis. Stats. unless a statute provides an exception to the confidentiality requirement or the Court has specifically permitted the disclosure.

Wherefore, Petitioner prays that the Court fix a time, date and place for hearing on the Petition according to law and find that the named child is In Need of Protection or Services, and that the Court enter an order determining the status of the named child to provide for future care, custody, status, and/or such other disposition and provision as the Court shall deem necessary and proper in the best interests of the named child and the public, in accordance with Chapter 48, Wisconsin Statutes.

4. The child is placed out-of-home.

A. Placement in-home at this time is is not contrary to the child's welfare.

See A to RRR above

B. Reasonable efforts to prevent removal were *(Complete one of the following)*

made by the department or agency responsible for providing services.

See A to RRR above

made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child from the home.

not required under §48.355(2d), Wis. Stats.

5. The person who took this child into custody and the intake worker have made reasonable efforts to return the child home while assuring the child's health and safety.

6. The Uniform Child Custody Jurisdiction Act Affidavit is attached to this petition.

I request adjudication and entry of an appropriate dispositional order.

District Attorney/Corporation Counsel

Karen Vespalec Assistant District Attorney

Name Printed or Typed

03/07/2018

Date

Petitioner

Karen Vespalec State Bar # 1025713

Name Printed or Typed

03/07/2018

Date

DISTRIBUTION:

- 1. Court
- 2. Child
- 3. Parent/Guardian/Legal Custodian
- 4. Department/Agency
- 5. Other Interested Parties

PRINT in BLACK Ink

Enter the name of the county in which you are filing this case.

STATE OF WISCONSIN, CIRCUIT COURT, Milwaukee County

For Official Use

In the box to the right, enter the name of the case exactly as it is shown on other papers from the same case.

In the interest of: C [redacted] M [redacted] 01/31/2012 DA Case No. 2018MJ000598

Note: Enter case number if one has been assigned; otherwise, leave case number blank. The clerk will add this.

A Child Under the age of Eighteen

Uniform Child Custody Jurisdiction and Enforcement Act Affidavit

Case No

Under oath I state that:

Enter the name(s) of the child(ren) and their current address. If they currently reside at separate addresses, provide those addresses on an additional sheet.

1. The child(ren)'s name and present address are: Name(s): C [redacted] M [redacted] Present Address: DMCPs Approved Placement

See attached

Enter any previous addresses at which the child(ren) have lived in the past 5 years. Attach additional sheet, if necessary.

2. The child(ren) have lived in the following places over the last 5 years: DMCPs Approved Placement(s) Parent

See attached

Enter the names and current address of each person with whom the child(ren) have lived in the last 5 years. If space is insufficient, or if individual children have lived at different address from others, attach an additional sheet and explain.

3. The name and present address of each person(s) with whom the child(ren) have lived over the last 5 years is: Name: DMCPs Approved Placement(s) Present Address: Time Period: Mar 2018 - Present Name: Parent Present Address: Time Period: Birth - Mar 2018 Name: Present Address: Time Period: Name: Present Address: Time Period:

See attached

Check yes or no. If yes, enter the name of the court, the case number assigned to it, and the date the court order was entered. Attach an additional sheet, if necessary.

4. I have participated as a party, witness or in any other capacity in any other proceeding concerning the custody, physical placement, or visitation with the child(ren). Yes No If Yes, identify court, case number and date of any determination:

See attached

Check yes or no. If yes, enter the name of the court, the case number assigned to it, and the nature of the case.

5. I have information of other proceedings concerning the child(ren) pending in Wisconsin or any other state, including enforcement, domestic violence, protective orders, termination of parental rights and adoption.

Yes No If Yes, identify court, case number and nature of proceedings:

Check yes or no.
If yes, enter the name of
and address of each
person.

6. I know of persons not a party to this proceeding who have physical custody of the child(ren) or claim to have custody, physical placement, or visitation rights with respect to the child(ren).

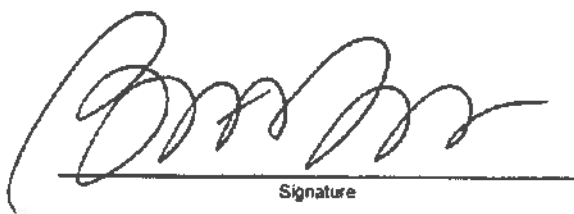
Yes No If Yes, give name and address of each person: _____

7. I understand that I have a duty to inform the court if I learn in the future of any proceeding concerning the child in Wisconsin or any other state.

STOP!
Take this document to a
Notary Public **BEFORE**
you sign it.

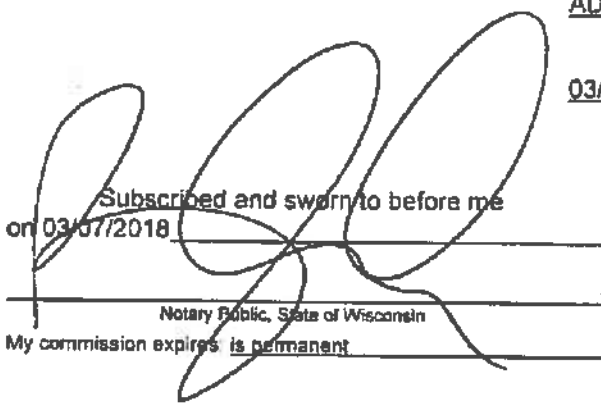
After you have been
sworn by a Notary Public,
sign and print your name
and date the document in
front of the Notary Public.

Have the Notary Public
sign, date, and seal the
document.


Signature

ADA Beth D Zirgibel
Print or Type Name

03/07/2018
Date

Subscribed and sworn to before me
on 03/07/2018

Notary Public, State of Wisconsin
My commission expires is permanent



(Seal)

FILED

04-20-2021

John Barrett

Clerk of Circuit Court

2019TP000225

Case 2018JC000206

Document 36

Filed 09-18-2018

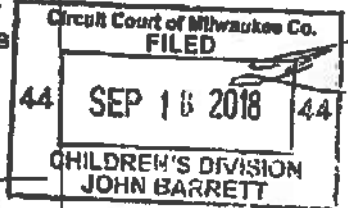
Page 1 of 7

For Official Use

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

IN THE INTEREST OF

Dispositional Order - Protection or Services (Chapter 48)



C [redacted] M [redacted] Name

01/31/2012 Date of Birth

Case No. 2018JC000206

A petition has been filed with the court.

This dispositional hearing was held on (Date) 9/18/18, which is the effective date of this order.

THE COURT FINDS:

1. The child is in need of protection or services because:

Table with 5 columns: Count, Description, Wisconsin Statutes, Plea, Date of Petition. Contains 3 rows of findings regarding CHIPS / Abuse, Neglect, and risk of.

2. The provisions of the Indian Child Welfare Act do not apply. An inquiry has been made on the record to each participant in this proceeding as to whether the participant knows or has reason to know that the child is an Indian child.

3. The child is placed out-of-home.

A. Placement in the home at this time [X] is [] is not contrary to the child's welfare.

The children under the home of Mr. C [redacted] W [redacted] and Ms. E [redacted] M [redacted] are subjected to present danger related to domestic violence that is out of control according to Ms. M [redacted]. On 3-4-18, although she ensured for the children's safety at the point in which she chose for them to leave, Ms. M [redacted] returned with the children to the home she and Mr. W [redacted] rented at [redacted] on 3-14-18. Mr. W [redacted] is the focus of present danger with H [redacted] having injuries to her face and hands as a result of reported physical abuse to her by Mr. W [redacted]. Also, the child, C [redacted] disclosed that she was hit with the wooden spoon top by Mr. W [redacted].

B. Reasonable efforts to prevent removal were [Complete one of the following]

[X] made by the department or agency responsible for providing services as follows: DMCPs was unable to implement a Protective Plan due to the pending investigation regarding physical abuse and DV between the mother and her husband, Mr. C [redacted] W [redacted] while the child was in the home.



made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child from the home as follows:

not required under §48.355(2d), Wis. Stats., _____

required, but the department or agency responsible for providing services failed to make reasonable efforts.

C. Reasonable efforts to place the child in a placement that enables the sibling group to remain together were

made.

not required because the child does not have siblings in out-of-home care.

not required because it would be contrary to the safety or well being of the child or any of the siblings.

D. Permanency plan was

not filed.

filed and reasonable efforts to achieve the permanency goal of the permanency plan, including through an out-of-state placement if appropriate, were

[Complete one of the following only if a permanency plan was filed]

made by the department or agency responsible for providing services as follows:

not made by the department or agency responsible for providing services as follows:

E. Parent #1 Parent #2 was present and was asked to provide the names and other identifying information of three adult relatives of the child or other adult individuals whose home the parent requests the court to consider as placements for the child, unless that information was previously provided.

4. As to the department or agency recommendation:

A. The placement location recommended by the department or agency is adopted.

OR

B. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.

5. The Statement of Guardian ad Litem was filed.

6. Other:

The order is in the best interest of the child
The parties present have entered into a knowing and voluntary stipulation
Recoupment is to be set by the child support agency
The petition is legally sufficient
The petitioner has made due and diligent efforts to give notice to those entitled to notice.

THE COURT ORDERS:

1. The child is placed under court jurisdiction.

2. Placement.

A. In-home at _____

Expiration date of this order *[Not to exceed 1 year]* _____

B. Out-of-home at L _____ R _____, relative _____

and into the placement and care responsibility of the department in the county where this order is issued, or the Division of Milwaukee Child Protective Services if this order is issued in Milwaukee County, which has primary responsibility for providing services.

Unless otherwise specified, the expiration date of this order shall be the later of the following:

- One year from the date of this order;
- The date the child reaches his or her 18th birthday;
- The date the child is granted a high school or high school equivalency diploma or the date the child reaches his or her 19th birthday, whichever occurs first, if the child is enrolled fulltime in a secondary school or vocational or technical equivalent and reasonably expected to complete the program prior to age 19;
- The date the child is granted a high school or high school equivalency diploma or the date the child reaches his or her 21st birthday, whichever occurs first, if ALL of the following apply:
 - The child is a fulltime student in secondary school or vocational or technical equivalent.
 - An individualized education program is in effect for the child.
 - The child or guardian, on behalf of the child, agrees to this order.
 - The child is 17 years of age or older when this order is entered.

OR

Expiration date of this order 3/7/2020

3. This is an out-of-home placement. The child has one or more siblings in out-of-home care and the child is not placed with all those siblings. The department or agency
- shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child and any siblings.
 - is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child or any siblings.
4. This is an out-of-home placement and the department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.355(2)(cm), Wis. Stats., to all adult relatives of the child, including the three adult relatives provided by the parents under §48.335(6), Wis. Stats., no later than 30 days from the date of the child's removal from the home, unless the search was previously conducted and notice provided.
5. This is an out-of-home placement. If a permanency plan has been prepared, filed and is consistent with this order, this order contains the plan. Otherwise, a permanency plan consistent with the court's order shall be filed no later than 60 days from the date of the child's removal from the home and shall be made part of this order.

6. Conditions of supervision and/or return as follows:
Parents shall complete all DMCPs referred services See attached

7. Specific services to be provided to child and family as follows: See attached

8. Legal custody transferred to
- County Department of Human/Social Services.
 - Wisconsin Department of Children and Families.
 - Division of Milwaukee Child Protective Services.
 - Other: Legal custody remains with the mother and adjudicated father.

9. Special treatment or care as follows: See attached

10. If the child is placed outside of the home, the parent(s) shall provide a statement of income, assets, debts, and living expenses to the county department or agency.
- A. The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of
 - \$ _____.
 - to be determined by [Agency] _____
 - B. The amount of support to be paid by the parent(s), guardian or trustee for the out-of-home placement is
 - \$ _____ or _____% of gross income payable by wage assessment.

to be set by the child support agency.

The support obligation begins on the date of placement.

11. The appointment of the guardian ad litem for the child

terminates until further order of the court.

is continued to allow the guardian ad litem to perform any of the duties under §48.235(4), Wis. Stats.

is continued for the following purpose(s): _____

12. The appointment of the attorney for the

Parent #1 Parent #2 Other: _____ terminates until further order of the court.

Parent #1 Parent #2 Other: GAL for child is continued through the term of this order.

Parent #1 Parent #2 Other: _____ is continued for the following purpose(s): _____

13. If the child is placed out of the home, the parent(s) who appeared in court have been orally advised of the applicable grounds for termination of parental rights (TPR) and the conditions that are necessary for the child to be returned to the home or restoration of visitation rights. Written TPR warnings are attached. Conditions for return/visitation are part of this order or attached.

14. Upon receiving information that provides reason to know the child is an Indian child, the party shall inform the court

15. Other: _____

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

DISTRIBUTION:

1. Court
2. Child/Guardian ad Litem
3. Parents/Guardian/Legal Custodian
4. Attorney(s)
5. Social Worker/Agency Staff Person
6. Foster Parent/ Physical Custodian
7. District Attorney/Corporation Counsel
8. Court Appointed Special Advocate
9. Other: _____

BY THE COURT:

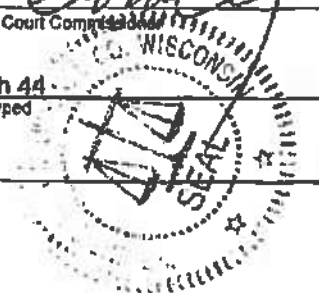
Gwendolyn Connolly
 Circuit Court Judge Circuit Court Commissioner

Honorable Gwendolyn Connolly, Branch 44

Name Printed or Typed

5/8/18

Date



NOTICE: If requested by a parent/guardian/legal custodian, child (14 years of age or over), expectant mother (14 years of age or older) or the guardian ad litem for an unborn child, the agency providing care or services for the child or expectant mother or that has legal custody of the child must disclose to, or make available for inspection, the contents of any records kept or information received by the agency about the child or expectant mother unless the agency determines that imminent danger would result.

Case 2018JC000206

Document 36

Filed 09-18-2018

Page 5 of 7

CIRCUIT COURT
STATE OF WISCONSIN CHILDREN'S DIVISION MILWAUKEE COUNTY
Dispositional Order Protection or Services Chapter 48 Page

C [REDACTED] M [REDACTED], DOB: 01/31/2012 2018JC000206

BASED UPON THE RECORDS, FILES, AND PROCEEDINGS IN THIS CASE, THE COURT ORDERS:

CONDITIONS OF RETURN/PLACEMENT: The parent(s)/guardian(s) must complete the following conditions in order to have this child returned to their care and, once returned, to remain in their care:

Condition 1 (Parents B [REDACTED] M [REDACTED], C [REDACTED] J [REDACTED], and C [REDACTED] W [REDACTED]): Control Your Drug or Alcohol Addiction

The Court requires you to do the following:

- Stop using alcohol, drugs that are not prescribed to you, and illegal drugs.
- If you are prescribed drugs, follow your doctor's orders and directions on how to take them.
- Show that you can parent your child sober daily.
- Stay away from people, places and things that trigger your use of drugs and alcohol.
- Avoid friends and family who use drugs and alcohol.
- Show that you are using both treatment and community drug or alcohol support groups to stay sober.
- Give a urine sample or breath test for drug and alcohol testing when the social worker or treatment provider tells the parent to do so. If the parent refuses to give a urine sample or breathe test or does not show up to give a urine sample or breathe test, the court will consider it a positive test for drugs and alcohol.

Condition 2 (Parents B [REDACTED] M [REDACTED], C [REDACTED] J [REDACTED], and C [REDACTED] W [REDACTED]): Understand How Your Drug/Alcohol Addiction Affects Your Child

The Court requires you to do the following:

- Show that your child's health and safety is your top priority and that you are protective of your child at all times.
- Show that you understand that your prior use of drugs or alcohol in front of your child has affected your child's mental health and development.
- Show that you will protect and treat the emotional needs of your child.
- Do not allow anyone who is using drugs or alcohol to be around your child.

Condition 3 (E [REDACTED] M [REDACTED] and C [REDACTED] W [REDACTED]): Control Your Mental Health

The Court requires you to do the following:

- Show that you can manage your own emotional and mental health needs daily.
- Show that you use healthy coping skills and use treatment providers, family, friends, and community supports to stay mentally stable.
- Develop a plan to keep your child and yourself safe during any mental or emotional situation.

Case 2018JC000206

Document 36

Filed 09-18-2018

Page 6 of 7

CIRCUIT COURT
STATE OF WISCONSIN CHILDREN'S DIVISION MILWAUKEE COUNTY
Dispositional Order Protection or Services Chapter 48 Page

██████████ M ██████████, DOB: 01/31/2012 2018JC000206

- Cooperate with any evaluations, attend all therapy or psychiatric appointments as recommended by your treatment team.
- Take all medication as prescribed.

Condition 4 (Parents J ██████████ D. C ██████████, C ██████████ J ██████████, and C ██████████ W ██████████): Commit No Crimes

The Court requires you to do the following:

- Keep healthy relationships and not allow dangerous people or other drug abusers to be around your child.
- Do not commit any more crimes so that you are available to parent your child.
- Follow through with any pending criminal matters and following all court orders, including bail/bond conditions.
- Follow the rules of any probation sentence so that you are not put in jail or prison.
- Make sure that you are available to provide consistent care to your child.

Condition 5 (Parents J ██████████ D. C ██████████ and C ██████████ W ██████████): Resolve Your Criminal Cases

The Court requires you to do the following:

- Go to all the court hearings you are required to attend.
- Follow all court orders, including bail/bond conditions.
- Complete any sentence given by the criminal court so that you can consistently be available for your child.
- If incarcerated, cooperate with all recommended programs available to you.
- If placed on probation or extended supervision, cooperate with your agent and successfully complete the conditions of probation or extended supervision.
- Do not commit any more crimes so that you are available to parent your child.

Condition 6 (Parents B ██████████ M ██████████, J ██████████ D. C ██████████, C ██████████ J ██████████, and C ██████████ W ██████████): Do Not Allow Violence in Your Home or in Front of Your Child

The Court requires you to do the following:

- Show that you understand the harm that domestic violence has on your child.
- Do not allow or commit any violent acts in your home.
- Do not allow any partner to control you or how you act.
- Cooperate with counseling for your child to understand how your child has been harmed by seeing violence in the home.
- Do not get into any violent or unhealthy relationships.
- Do not stay in any relationship with someone who has been violent to you in the past.
- Do not violate any Restraining Orders or No Contact Orders against you
- Follow all Restraining Orders that you have obtained.

Case 2018JC000206

Document 36

Filed 09-18-2018

Page 7 of 7

CIRCUIT COURT
CHILDREN'S DIVISION

STATE OF WISCONSIN **MILWAUKEE COUNTY**
Dispositional Order Protection or Services Chapter 48 **Page**

C [REDACTED] M [REDACTED], DOB: 01/31/2012 2018JC000206

Condition 7 (Parents B [REDACTED] M [REDACTED], J [REDACTED] D. C [REDACTED], C [REDACTED] J [REDACTED], and C [REDACTED] Williams): Always Supervise Your Child and Place Your Child's Needs Before Your Own

The Court requires you to do the following:

- Show that you can make and follow through on plans that will keep your child safe.
- Show that you can identify safe caretakers for your child.
- Show that you allow only safe individuals to have contact with your child.
- Show that you can and will make and use a plan for making sure the child is safe and supervised when you are unavailable, overwhelmed or stressed.
- Do not leave your child alone or in unsafe places.

Condition 8 (Parents B [REDACTED] M [REDACTED], J [REDACTED] D. C [REDACTED], C [REDACTED] J [REDACTED], and C [REDACTED] W [REDACTED]): Have Age Appropriate Expectations of Your Child

The Court requires you to do the following:

- Show that you can anticipate your child's behaviors and needs
- Show that you can properly meet your child's needs
- Show that you understand what your child is physically and emotionally capable of doing.
- Show that you can supervise your child on your own without someone else helping you.
- Show that you can redirect your child from an unsafe situation or bad behaviors with age appropriate discipline that is not verbally or emotionally abusive.

Condition 9 (Parents B [REDACTED] M [REDACTED] and C [REDACTED] W [REDACTED]): Control Your Emotions

The Court requires you to do the following:

- Do not physically abuse your child or let anyone else physically abuse your child.
- Show that you are able to control your emotions and actions daily.
- Show that you can discipline your child in a non-violent and non-impulsive way.
- Show that you can set boundaries for your child and use age appropriate consequences for bad behaviors.
- Do not hit your child or use any objects such as belts or cords to strike your child.
- Show that you recognize when you are frustrated with your child and that you can handle these situations without using physical discipline.
- Show that you understand that physical discipline harms your child physically and emotionally.
- Help your child get therapy and services to deal with past physical abuse.

**CIRCUIT COURT
CHILDREN'S DIVISION**

STATE OF WISCONSIN **MILWAUKEE COUNTY**
Dispositional Order Protection or Services Chapter 48 **Page**

C [REDACTED] M [REDACTED], DOB: 01/31/2012 2018JC000206

Condition (All parents): Provide Safe Care for Your Child

The Court requires you to do the following:

- Have a safe, suitable and stable home.
- Do not abuse your child or place your child at risk of being abused.
- Show that you want to and are able to care for your child and your child's special needs on a full-time basis.
- Cooperate with others needed to help care for your child.
- Cooperate with the DMCPS by staying in touch with your ongoing case manager, letting your ongoing case manager know your address and telephone number, and allowing the ongoing case manager into your home to assess the home for safety.

The DMCPS must make reasonable efforts to provide the following services to the mother B [REDACTED] M [REDACTED] to help her meet these conditions:

Psychological evaluation and follow recommendations

AODA assessment and follow recommendations

Individual therapy *if recommended by psych eval*

Domestic violence services

Parenting services

Home management

Case management

The DMCPS must make reasonable efforts to provide the following services to the father J [REDACTED] D. C [REDACTED] to help him meet these conditions:

Psychological evaluation and follow recommendations- to be done if individual therapist recommends the psychological evaluation

Individual therapy

Domestic violence services- this may be done in individual therapy if the therapist is a DV therapist or is qualified to thoroughly cover DV

**CIRCUIT COURT
CHILDREN'S DIVISION**

STATE OF WISCONSIN **MILWAUKEE COUNTY**
Dispositional Order Protection or Services Chapter 48 **Page**

C [REDACTED] M [REDACTED], DOB: 01/31/2012 2018JC000206

Home management

Supervised visitation/Family Interactions

Case management

The DMCPS must make reasonable efforts to provide the following services to the father C [REDACTED] J [REDACTED] to help him meet these conditions:

Psychological evaluation and follow recommendations

AODA assessment and follow recommendations

Individual therapy

Domestic violence services

Parenting services

Supervised visitation/Family Interactions

Case management

The DMCPS must make reasonable efforts to provide the following services to the father C [REDACTED] W [REDACTED] to help him meet these conditions:

Psychological evaluation and follow recommendations

AODA assessment and follow recommendations

Individual therapy

Domestic violence services

Parenting services

Home management

Supervised visitation/Family Interactions

Case management

**CIRCUIT COURT
CHILDREN'S DIVISION**

STATE OF WISCONSIN **MILWAUKEE COUNTY**
Dispositional Order Protection or Services Chapter 48 **Page**

C [REDACTED] M [REDACTED], DOB: 01/31/2012 2018JC000206

The Court orders the parent to attend and successfully complete these services offered by the DMCPs. The Court also orders the parent to sign releases with the above service providers to allow the ongoing case manager, the District Attorney's Office, and the guardian ad litem or child's attorney to monitor the parent's progress.

Visitation Condition: If Your Child is not Living with You, You Must Visit Your Child Regularly

The Court requires you to do the following:

- You must go on time to all scheduled visits with your child and stay until the end of the scheduled visit.
- If you are unable to go to a visit with your child, you must call your visitation worker or the person in charge of setting up the visit at least 12 hours before the visit is supposed to start.
- Do not use alcohol or illegal drugs before the visit or your visit will be cancelled.
- Bring games, books or other things to do with your child while at your visit.
- During the visit, you must pay attention to your child and your child's physical and emotional needs for the entire visit.
- Do not bring anyone to the visit who is not approved by your ongoing case manager to be at the visit.
- If your visits are supervised, do what your ongoing case manager asks you to do to move your visits to unsupervised visits.
- Between visits, have regular and healthy phone or written contact with your child as allowed by your ongoing case manager.

The DMCPs is required to make reasonable efforts to do the following for visitation:

- Set up and follow a reasonable plan for the parent to visit the child.
- Set up sibling visits if a sibling is also under this court's order and is not placed in the same home as this child.
- Continue to assess the family's visitation plan to make sure that the child is safe during visits and that the parent is meeting the needs of the child.
- If the permanency plan for the family is reunification, family visits and contacts should be as frequent as possible.
- Have visits unsupervised unless safety concerns require supervision.

Special orders on Visitation:

Visitation between the parents, _____ and the child shall be based upon mutual desire for visits.

Before having visitation with this child, _____ the parent(s) _____ must meet the following pre-conditions:

CIRCUIT COURT
STATE OF WISCONSIN CHILDREN'S DIVISION MILWAUKEE COUNTY
Dispositional Order Protection or Services Chapter 48 Page

C [REDACTED] M [REDACTED], DOB: 01/31/2012 2018JC000206

Other Special Conditions on Visitation:

1. As to the mother E [REDACTED] M [REDACTED]:
 The mother must not permit the father C [REDACTED] W [REDACTED] to have any contact with his child MW or her children CM and HJ during her visitation until further order of this Court. The mother is not allowed to supervise the father C [REDACTED] W [REDACTED] visitation with his child MW until further order of this Court.
2. As to the father J [REDACTED] D. C [REDACTED] for his child CM: Visitation shall be supervised. DMCPs has the discretion to modify Mr. C [REDACTED]'s visitation to unsupervised after consultation with the GAL.
3. As to the father C [REDACTED] J [REDACTED] for his child HJ: Visitation shall be supervised. DMCPs has the discretion to modify Mr. J [REDACTED]'s visitation to unsupervised after consultation with the GAL.
4. As to the father C [REDACTED] W [REDACTED] for his child MW: Visitation shall be suspended. Currently *KJA* there is an arrest warrant in the Mr. W [REDACTED]'s criminal Case No. 18CF001824, State v. C [REDACTED] W [REDACTED], in which this child's mother and her siblings CW, CM, and HJ are alleged the victims. Once Mr. W [REDACTED] makes an initial appearance, it is anticipated that there will be a No Contact Order (NCO) in Case No. 18CF0001824 with the mother, his child CW and this child's siblings CM and HJ, or any children. Mr. W [REDACTED] shall obey and not violate any criminal NCO or condition of bail, incarceration, and/or probation that he have no contact with the mother and/or his child CW and this child's siblings CM and HJ, or any children. Mr. W [REDACTED] is not allowed to have any visitation with his child MW unless and until the Criminal Court first modifies his NCO. If said NCO is modified to permit visitation, then Mr. W [REDACTED]'s visitation shall be supervised and/or therapeutic upon recommendation of the GAL. The mother must not permit Mr. W [REDACTED] to have any contact with his child MW or her children CM and HJ during her visitation until further order of this Court. The mother is not allowed to supervise Mr. W [REDACTED]'s visitation with his child MW until further order of this Court. Mr. W [REDACTED]'s visitation may not be modified to unsupervised until further order of this Court and only after the recommendation of the GAL.

The Court requires the DMCPs to do the following:

- Obtain reports from the parent's and child's treating therapists and service providers to monitor progress in meeting treatment objectives.
- Provide bus tickets to the parents as needed to participate in services and visitation.

Additional Court Orders Regarding Placement:

- A. The Division shall investigate the following relative placements: _____
- B. The Adoptions Unit is ordered to assess the viability of the current placement of the child _____ as a potential adoptive resource, and file a written report with the Court by _____. A copy of the report shall also be provided to the GAL and the DA's Office.
- C. Wraparound RCCY shall provide services to the family, including the possible placement of the child in a child caring institution, if services delivered in the community are inadequate to address the

**CIRCUIT COURT
CHILDREN'S DIVISION**

STATE OF WISCONSIN **MILWAUKEE COUNTY**
Dispositional Order Protection or Services Chapter 48 **Page**

C [REDACTED] M [REDACTED], DOB: 01/31/2012 2018JC000206

child's needs. Wraparound is authorized to transfer the child to less restrictive placements and from less restrictive placements as long as they are not more restrictive than a child caring institution.
 D. Other DMCPs responsibilities:

SPECIAL SERVICES FOR CHILD:

THE COURT ADDITIONALLY FINDS AND CONCLUDES:

1. The child is in need of protection or services based upon:

- The facts in the petition dated 3/7/18;
- The court report dated 5/3/18;
- The Family Assessment, Case Plan and Safety Assessment dated _____;
- The psychological evaluation(s) dated _____;
- Other factual basis: _____

- 2. A. Legal Status of J [REDACTED] D. C [REDACTED], the father of C [REDACTED] M [REDACTED]:
 biological (DNA); presumed; adjudicated; alleged adoptive; unknown
- B. Legal Status of C [REDACTED] J [REDACTED], the father of H [REDACTED] J [REDACTED]:
 biological (DNA); presumed; adjudicated; alleged adoptive; unknown
- C. Legal Status of C [REDACTED] W [REDACTED], the father of M [REDACTED] W [REDACTED]:
 biological (DNA); presumed; adjudicated; alleged adoptive; unknown

3. Other Special Orders:

- A. The Children's Court relinquishes its exclusive jurisdiction to Family Court for the purpose of making custody and placement decisions regarding this child.
- B. The child shall not run away from any court ordered placement.
- C. Additional Special Orders: Mr. W [REDACTED] shall obey and not violate any criminal No Contact Order or condition of bail, incarceration, and/or probation
Mr. [REDACTED] shall meet all conditions of bail, incarceration, and/or probation or extended supervision in Case No. 18CF001824 and any other criminal matters.

**CIRCUIT COURT
CHILDREN'S DIVISION**

STATE OF WISCONSIN **MILWAUKEE COUNTY**
Dispositional Order Protection or Services Chapter 48 Page

C [REDACTED] M [REDACTED], DOB: 01/31/2012 2018JC000206

The incarcerated parent is required to:

1. Notify the ongoing case manager (OCM) as soon as possible that they have been transferred to another correctional facility within fifteen days of the transfer.
2. Sign consent forms to allow the OCM and any correctional facility to share information.
3. Maintain at least monthly contact with the OCM by telephone or in writing.
4. Maintain at least monthly written contact with your child, unless there is a court order prohibiting or limiting contact. All correspondence of any type must be sent to OCM who will make sure that it is given to the child.

During the time of the parent's incarceration, OCM shall make reasonable efforts to provide the following services:

1. Provide any consent forms to the incarcerated parent required to allow sharing of information between OCM and a correctional facility.
2. Maintain monthly contact with the parent.
3. If the correctional facility where the parent is incarcerated allows for visitation, the DMCPS will assess for appropriateness and safety and set up visitation if possible and in the child's best interest.

NOTIFICATION TO PARENT

1. The DMCPS is not required to provide services to the parent while incarcerated unless those services are available in the institution where the parent is placed.
2. If the institution does not allow for visitation, the DMCPS has no obligation to provide visitation.

Case 2018JC000206 Document 37 Filed 09-18-2018
 STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

Page 7 of 8 For Official Use

Circuit Court of Milwaukee Co. FILED	
44	SEP 18 2018 44
CHILDREN'S DIVISION JOHN BARRETT	

**Notice Concerning Grounds To
 Terminate Parental Rights**

Case No. 2018JC000206

Your parental rights can be terminated against your will under certain circumstances. A list of potential grounds to terminate your parental rights is given below. Those that are check-marked may be most applicable to you, although you should be aware that if any of the others also exist now or in the future, your parental rights can be taken from you.

- Abandonment.** *Any of the following must be proven by evidence that:*
- You have left your child without provision for care or support:
 - and neither parent has been found for 60 days.
 - in a place or manner that exposes your child to substantial risk of great bodily harm or death.
 - You have failed to visit or communicate with your child for:
 - three months or longer after your child has been placed, or continued in a placement, outside your home by a court order.
 - six months or longer after leaving your child with any person, and you know or could discover the whereabouts of your child.
 - A court of competent jurisdiction previously has found that when your child was under one year of age:
 - your child was abandoned, pursuant to §48.13(2), Wis. Stats., or a comparable state or federal law.
 - you intentionally abandoned the child in a place where the child may suffer because of neglect, in violation of §948.20, Wis. Stats., or a comparable state or federal law.
- Continuing Need of Protection or Services.** *As proven by evidence that:*
- A court placed, or continued in a placement, your child outside your home after a judgment that your child is in need of protection or services under §§48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365, Wis. Stats., and:
 - The agency responsible for the care of your child has made a reasonable effort to provide the services ordered by the court;
 - Your child has been outside your home for a cumulative total period of six months or longer under a court order; and
 - You have failed to meet the conditions established for the safe return of your child to your home.
 - If your child has been placed outside of your home for less than 15 of the most recent 22 months, there is substantial likelihood you will not meet these conditions as of the date on which the child will have been placed outside the home for 15 of the most recent 22 months.
[Not including any period your child was a runaway from the out-of-home placement or was residing in a trial reunification home]
 - A court has adjudicated your child in need of protection or services on three or more occasions, under §48.13(3), (3m), (10) or (10m), Wis. Stats. and:
 - In connection with these adjudications, the court has placed your child outside your home pursuant to a court order containing this notice, and
 - You caused the conditions that led to each of the out-of-home placements.
- Continuing Need of Protection or Services (Unborn child).** *As proven by evidence that:*
- A court placed you [as an expectant mother], or continued you in a placement, outside your home after a judgment that your unborn child is in need of protection and services under §§48.345 and 48.347, Wis. Stats.
 - The agency responsible for the care of you and your unborn child has made a reasonable effort to provide the services ordered by the court;
 - Your child stayed outside your home for a cumulative total period of six months or longer under a court order;
[Not including time spent outside the home as an unborn child]
 - You have failed to meet the conditions established for the safe return of your child to your home; and
 - There is a substantial likelihood that you will not meet these conditions within the 9-month period following the fact-finding hearing under §48.424, Wis. Stats.
- Failure to Assume Parental Responsibility.** *As proven by evidence that:*
- You are or may be a parent of a child
 - You have not had a substantial parental relationship with the child.

- Continuing Parental Disability.** *As proven by evidence that:*
 - You are presently an inpatient at a hospital as defined in §50.33(2)(a),(b) or (c), Wis. Stats., a licensed treatment facility as defined in §51.01(2), Wis. Stats., or state treatment facility as defined in §51.01(15), Wis. Stats., on account of mental illness as defined in §51.01(13)(a) or (b), Wis. Stats., or developmental disability as defined in §55.01(2) or (5), Wis. Stats.
 - You have been an inpatient for at least two of the last five years before a petition to terminate parental rights is filed.
 - Your condition is likely to continue indefinitely.
 - Your child is not being provided with adequate care by a parent, guardian, or relative who has legal custody of your child.
- Continuing Denial of Periods of Physical Placement or Visitation.** *As proven by evidence that:*
 - You have been denied periods of physical placement by a court order in an action affecting the family, or have been denied visitation by an order under §§48.345, 48.363, 48.365, 938.345, 938.363, or 938.365, Wis. Stats.
 - At least one year has elapsed since the order denying periods of physical placement or visitation was issued and the court has not subsequently modified its order so as to permit you periods of physical placement or visitation.
- Child Abuse.** *As proven by evidence that:*

You show a pattern of physically or sexually abusive behavior which is a substantial threat to the health of the child who is the subject of the petition; and that:

 - You have caused death or injury to a child or children resulting in a felony conviction.
 - A child has previously been removed from your home by the court under §48.345, Wis. Stats., after an adjudication that the child is in need of protection or services under §48.13(3) or (3m), Wis. Stats.
- Relinquishment.** *As proven by evidence that:*

A court of competent jurisdiction has found pursuant to §48.13(2m), Wis. Stats., that you have relinquished custody of your child under §48.195(1), Wis. Stats., when the child was 72 hours old or younger.
- Incestuous Parenthood.** *As proven by evidence that:*

You are related, either by blood or adoption, to your child's other parent in a degree of kinship closer than 2nd cousin.
- Homicide or Solicitation to Commit Homicide of Parent.** *As proven by evidence that:*

You have been convicted of the intentional or reckless homicide of the other parent, or solicitation to commit intentional or reckless homicide of the other parent, in violation of §§940.01, 940.02 or 940.05, 939.30, Wis. Stats., or a comparable state or federal law.
- Parenthood as a Result of Sexual Assault.** *As proven by evidence that:*
 - You are or may be the father of a child.
 - The child was conceived as the result of a sexual assault in violation of §§940.225(1),(2) or (3), 948.02(1) or (2), or 948.025 or 948.085, Wis. Stats., which you committed against the child's mother during a possible time of conception.
- Commission of a Felony Against a Child.** *As proven by evidence that:*
 - You have been convicted of a serious felony as defined in §48.415(9m)(b), Wis. Stats., against one of your children.
 - You have committed child trafficking in violation of §948.051 or a comparable state or federal law involving any child.
- Prior Involuntary Termination of Parental Rights to Another Child.** *As proven by evidence that:*
 - Your child has been adjudicated to be in need of protection or services under §48.13(2),(3) or (10), Wis. Stats. or your child was born after a petition for termination of parental rights under §48.415(10), Wis. Stats., was filed in which a sibling of your child is the subject.
 - In the three years prior to the child being adjudicated in need of protective services as specified in §48.415(10)(a), or in the case of a child born after the filing of a petition regarding a sibling as specified in §48.415(10)(a), within three years prior to the date of the birth of the child, a court has ordered the termination of your parental rights with respect to another of your children on one or more grounds specified in §48.415, Wis. Stats.

The court has orally informed me of the applicable grounds for termination of parental rights, and I have received a copy of this notice.

5/30/18

Signature of Parent/Expectant Mother

Signature of Parent

Date

FILED
04-20-2021
John Barrett
Circuit Court
2019TP000225

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

IN THE INTEREST OF

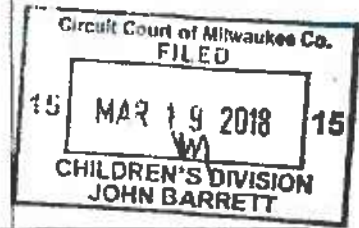
Order for Temporary Physical Custody

C [redacted] M [redacted] 2018MJ000598 04027943
Name

Secure
 Nonsecure

01/31/2012
Date of Birth

Case No. 2018JC000206



A hearing for temporary physical custody was held on [Date] 03/19/2018, which is the effective date of this order.

THE COURT FINDS:

- The child/juvenile is in the jurisdiction of this court under
 - delinquency: [statutes] _____ or
 - JIPS: [statutes] _____ or
 - CHIPS: [statutes] 48.205 and/or 48.21(1)(b) _____
- Probable cause exists to believe that the
 - A. Child/Juvenile will commit injury to person or property of others.
 - B. Child/Juvenile will _____ cause injury to self. _____ be subject to injury by others.
 - C. Parent(s), guardian, legal custodian or other responsible adult is
 - neglecting refusing unable unavailable to provide adequate supervision and care.
 - D. Child/Juvenile will run away or be taken away, making the child/juvenile unavailable for further court proceedings.
 - E. Parent(s) has relinquished custody of the child/juvenile.
- Child/juvenile is not subject to or it is undetermined whether the child/juvenile is subject to the federal Indian Child Welfare Act. An inquiry has been made on the record to each participant in this proceeding as to whether the participant knows or has reason to know that the child/juvenile is an Indian child. (If the child/juvenile is subject to the Indian Child Welfare Act, use the Indian Child Welfare Act version [IW-1711] of this order.)

For secure custody, the court further finds that probable cause exists to believe:

- 1. The child/juvenile has committed a delinquent act and there is a substantial risk of
 - physical harm to another. running away.
- 2. The child/juvenile is a fugitive from another state runaway from a juvenile correctional facility, and there was no reasonable opportunity to return the child/juvenile.
- 3. A protective order was issued and the child/juvenile consents in writing to the custody.
- 4. The child/juvenile ran away or committed a delinquent act while in nonsecure custody and no other suitable alternative exists.
- 5. The child/juvenile is alleged/adjudicated delinquent and is a runaway from another county and would run away from nonsecure custody.
- 6. The child/juvenile is subject to adult criminal court jurisdiction and is under 15 years of age.

For secure custody in a jail, the court further finds:

- 1. No other juvenile detention facility approved by DOC or the county is available.
- 2. The child/juvenile presents a substantial risk of physical harm to others in the juvenile detention facility.

JD-1711, 02/18 Order for Temporary Physical Custody (Secure/Nonsecure)

§§ 48.18(1), 48.21, 48.205, 48.415(1m), 48.355(2d), 938.19(1), 938.21, 938.205, and 938.355(2d), Wisconsin Statutes

This form shall not be modified. It may be supplemented with additional material.

Page 1 of 3



For all custody outside of the home, the court further finds:

1. Continuation of residence in the home at this time is is not contrary to the child's/juvenile's welfare. See paragraphs A to H of attached. The children under the home of Mr. C [redacted] W [redacted] and Ms. B [redacted] M [redacted] are subjected to present danger related to domestic violence that is out of control according to Ms. M [redacted]. On 3-4-18, although she ensured for the children's safety at the point in which she chose for them to leave, Ms. M [redacted] returned with the children to the home she and Mr. W [redacted] rented at [redacted] on 3-14-18. Mr. [redacted] is the focus of present danger with H [redacted] having injuries to her face and hands as a result of reported physical abuse to her by Mr. W [redacted]. Also, the child, C [redacted] disclosed that she was hit with the wooden spoon too by Mr. W [redacted].
2. Reasonable efforts to prevent removal and return child/juvenile safety home were *(Complete one of the following)*
 - made by the department or agency responsible for providing services as follows: See paragraphs A to H of attached. DMCPs was unable to implement a Protective Plan due to the pending investigation regarding physical abuse and DV between the mother and her husband, Mr. C [redacted] W [redacted] while the child was in the home.
 - made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows: _____
 - not required under §48.355(2d) and §938.355(2d), Wis. Stats. _____
 - required, but good cause was shown why sufficient information is not available to enable the court to make the necessary findings. This hearing is continued until [Date - Not to exceed 5 days] _____
 - required, but the department or agency responsible for providing services failed to make reasonable efforts.
3. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were
 - made.
 - not required because the child/juvenile does not have siblings in out-of-home care.
 - not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.
4. As to the department or agency recommendation:
 - A. The placement location recommended by the department or agency is adopted.
 - OR
 - B. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.
5. All parents present were asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the court to consider as placements for the child/juvenile.

THE COURT ORDERS:

1. The child/juvenile is held in custody
 - A. In-home at _____
 - B. Out-of-home at See Below _____ and into the placement and care responsibility of the department in the county where this order is issued, or the Division of Milwaukee Child Protective Services if this order is issued in Milwaukee County under Ch. 48, which has primary responsibility for providing services.

- 2. This is an out-of-home placement. The child/juvenile has one or more siblings in out-of-home care and the child/juvenile is not placed with all those siblings.
 - The department or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.
 - The department or agency is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.
- 3. This is an out-of-home placement and the department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.21(5)(e)2. or §938.21(5)(e)2., Wis. Stats., to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.21(3)(f) or §938.21(3)(f), Wis. Stats., no later than 30 days from the date of the child's/juvenile's removal from the home, unless the search was previously conducted and notice provided.
- 4. While in a nonsecure placement above, the child/juvenile shall also be monitored by an electronic monitoring system.
- 5. Other conditions of custody: See Attached.
- 6. If any party to this proceeding receives subsequent information that provides reason to know that the child/juvenile is an Indian child, they shall inform the court.
- 7. The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of
 - \$ _____
 - to be determined by (Agency) Held open
- 8. Transportation to the placement and any return to court shall be provided by _____
- 9. The next hearing is (Date) _____ at (Time) _____ a.m. p.m.
- 10. The request for temporary physical custody is denied.
- 11. Other: _____

Name and Address of Placement.

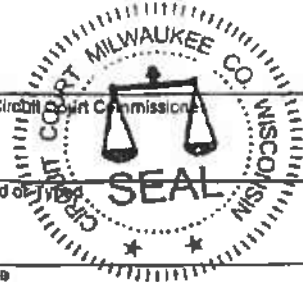
_____ Rd _____

BY THE COURT:

J.D. Watts
 Circuit Court Judge Circuit Court Commissioner

The Honorable J.D. Watts
 Name Printed on Form

03/19/2018
 Date



DISTRIBUTION:

- 1. Court
- 2. Placement Facility
- 3. Child/Juvenile/Parents/Attorneys
- 4. District Attorney/Corporation Counsel
- 5. Social Worker/Intake Worker

In the Interest of: C [REDACTED] M [REDACTED] 01/31/2012

THE FOLLOWING FACTS ARE SUBMITTED TO SUPPORT THE FINDINGS:

- A. B [REDACTED] M [REDACTED] 01/03/1991 is the mother of the non-marital child, C [REDACTED] M [REDACTED]. Her last known address was at [REDACTED]. Per a check of Milwaukee County Inmate Search and Vinelink.com on 03/06/2018, Ms. B [REDACTED] M [REDACTED] is not incarcerated at these locations. CCAP records reveal the following cases: 2010 Carrying a Concealed Weapon (10CM006123).
- B. Per KIDS/CARES, the adjudicated father of said child is J [REDACTED] C [REDACTED] 11/18/1990. According to KIDS/CARES, the father's last known address was at [REDACTED]. Per a check of Milwaukee County Inmate Search and Vinelink.com on 03/16/2018, Mr. C [REDACTED] W [REDACTED] is not incarcerated at these locations. CCAP records reveal the following cases: 2014 Armed Robbery (14CF001131); 2012 Domestic Abuse-Temp Rest Order (Petitioner is Bernadette Murray) Injunction effective until 04/10/2016 (12FA002326); 2011 Battery and Disorderly Conduct (11CM002362); 2010 Carrying a Concealed Weapon (10CM006124); 2010 Carrying a Concealed Weapon (10CM001522). Child is not placed with said father because: DMCPs has not been able to locate and assess him.
- C. Child is currently placed out of home. Child is currently placed with L [REDACTED] R [REDACTED], Relative Placement, at [REDACTED].
- D. Said child is not placed with siblings because: the child is placed with her paternal relatives.
- E. Visitation (Family interaction) Recommendation:
1. As to the mother: Visitation should be supervised because the mother is unpredictable and continues her relationship with the maltreater.
 2. As to the father: Visitation should be supervised because DMCPs has not been able to locate and assess him for safety.
- F. The evidence presented demonstrates that the children have been exposed to domestic abuse. Petitioner asserts that children who witness domestic abuse can suffer severe consequences to their emotional and physical well-being. Petitioner cites the following research as support:
1. Children in homes where domestic violence occurs are physically abused or neglected at a rate of 1500% higher than the national average. (Ford, S. "Domestic Violence: The Great American Spectator Sport." Oklahoma Coalition on Domestic Violence and Sexual Assault, 3.)
 2. In a national survey of more than 2,000 American families, approximately 50 percent of the men who frequently assaulted their

- wives also frequently abused their children. (Murray A. Straus and Richard J. Gelles, "Physical Violence in American Families", 1990.)
3. Children who witness domestic violence face a 50 percent chance of being physically abused themselves. These children learn violent anti-social behavior by watching, and they often repeat the cycle of violence in their intimate relationships, thus triggering a response by an already overburdened criminal justice system. (Dr. John D. Burrington, "We Learn What We Live: The Effects of Domestic Violence on Children", *The Colorado Lawyer (Special Issue)*, Vol. 28, No. 10 at 1, (Oct. 1999).)
 4. If a child is exposed to violence in the home and is the victim of parental violence, that is quite likely – as much as 1,000 times more likely than a child raised in a nonviolent home – to grow up and use violence against a child or spouse. (R. Gelles, *Family Violence* 142, 1979).
 5. Witnessing domestic violence increases drug/alcohol abuse/teenage pregnancies. Children are present in 41-55% of homes where police intervene in domestic violence calls. Children in homes where domestic violence occurs may experience cognitive or language problems, developmental delays, stress-related physical ailments (such as headaches, ulcers, rashes), and hearing and speech problems. (Department of Community Affairs. "Domestic Violence: A Guide for Health Professionals", State of New Jersey, March 1990.)
 6. Children who witness domestic violence kill themselves at 6 times the national rate of suicide. (Buel, S.M. "The dynamics of domestic violence cases in the United States of America: An overview in defending battered women in criminal cases." *Defending Battered Women in Criminal Cases*. American Bar Association, Section of Criminal Justice. (1992).)
 7. 63% of youthful offenders (ages 11-20) who commit murder do so to kill the abusers of their mothers. (The Violence Against Women Act 1990: Hearings on S2754, Senate Committee on the Judiciary Reports, 101-545, 101st Congress 2d Sess. 37, 1990.)
 8. In addition, in a recent study regarding the convergence between epidemiologic and neurobiological evidence of the effects of childhood trauma, researchers revealed that "childhood abuse and exposure to domestic violence can lead to numerous differences in the structure and physiology of the brain that expectedly would affect multiple functions and behaviors. Numerous studies have established that childhood stressors such as abuse or witnessing domestic violence can lead to a variety of negative health outcomes and behaviors, such as substance abuse, suicide attempts and depressive disorders." (The Enduring Effects of Abuse and Related Adverse Experiences in Childhood, Robert Anda et al., *Euro Arch Psychiatry Clin Neurosci* (2006) 256:174 – 186).

G. Children's Court History

1. On 03/07/2018, a Temporary Physical Custody and a CHIPS petition were filed and signed for M [REDACTED] W [REDACTED]. The next court hearing is set on 04/05/2018 for Plea hearing.

2. On 03/07/2018, non-emergency CHIPS petitions were filed for C [redacted] M [redacted] and H [redacted] J [redacted]. The next court hearing is set on 04/05/2018 for Plea hearing.

H. This request for TPC Order is further based upon the DMCPs Request for Temporary Physical Custody or Pick-Up Order, submitted and attached.

THE COURT FINDS THE CHILD(REN) IS IN THE JURISDICTION OF THIS COURT AND PROBABLE CAUSE EXISTS TO BELIEVE THAT PURSUANT TO:

Wis. Stats. §48.21(1)(b) Any of the following exists:

- 1. That additional time is required to determine whether the filing of a petition initiating proceedings under this chapter is necessary.
- 2. That the child is in imminent danger to himself or herself or others.
- 3. That the parent, guardian or legal custodian of the child or other responsible adult is neglecting, refusing, unable or unavailable to provide adequate supervision and care.

THE COURT ORDERS TEMPORARY, NON-SECURE PHYSICAL CUSTODY pursuant to Wis. Stats. s. 48.207 at:

- DMCPS approved foster home, treatment foster home or receiving home;
- Group home
- Non-secure facility;
- The home of a person not a relative;
- Hospital as defined in Wis. Stats. s. 50.33(2)(a) and (c);
- Residential Treatment Center;
- The home of a relative
- The home of a parent/guardian
 - Only after consultation with the Guardian ad Litem
 - Only after consultation with the Child's Adversary Counsel and upon mutual desire
- The home of the parent, _____, with the following special orders:
 - if and only if the parent is residing in an inpatient treatment center and the inpatient treatment center does not allow for the parent to leave the facility with the child in an unsupervised manner.
 - The parent is to allow no contact between the child and:

THE COURT ORDER AUTHORIZES THE FOLLOWING:

- An AODA evaluation of the mother, pursuant to Wis. Stats. s. 48.295 by: IF SHE/HE AGREES;
- A psychological evaluation of the mother pursuant to Wis. Stats. s. 48.295 IF SHE/HE AGREES;
- A developmental assessment of the child at the CHW Child Development Center pursuant to Wis. Stats. s. 48.295.

THE COURT ORDERS THE FOLLOWING:

- A Medical Evaluation for Neglect at CHW/CPC, which can include laboratory testing, radiology, interdisciplinary case review, if deemed necessary by the

- physician;
- A child abuse evaluation at CHW, which can include a bone scan or skeletal survey If deemed necessary by the physician;
- The Child Protection Center shall have access to any Medical Records on children in foster care pursuant to Wis. Stats. ss. 48.59, 895.485(4)(a) and Chapter HSS 37. This includes newborn records; vital statistic records and outpatient and inpatient health visits records;
- An extension of time to file a CHIPS petition, pursuant to Wis. Stats. s 48.21(1)(b);
- GAL

UNLESS PROHIBITED BY A NO CONTACT ORDER, VISITS SHALL BE:

- supervised, by DMCPs or an approved adult for mother and father.
- at the discretion of the DMCPs to modify to *unsupervised for mother and father (and determine the appropriate time and place)* after consultation with GAL.
- at the discretion of the DMCPs to modify to *unsupervised for mother and father, if and only if the parent is receiving inpatient AODA treatment, AND the treatment provider does not permit them to leave the facility with the child in an unsupervised manner*
- unsupervised, at the discretion of the DMCPs as to appropriate time and place, for mother and father
- upon Mutual Desire;

ORDER AS TO VISITATION: The Division shall arrange visitation within five days after the Temporary Physical Custody hearing. Visits must be held:

- at least 4 hours per week;
- _____

If a parent misses more than one scheduled visit without a valid excuse, visits can be suspended pending the next court hearing. If the Initial Assessment Specialist or Case Manager has a reasonable basis to believe that a parent is under the influence of an intoxicant or an illegal drug (or both), that visit shall be immediately ended. DMCPs then has the discretion to stop/cancel subsequent visits. If the decision is made to stop/cancel subsequent visits, DMCPs must provide written notice, with information to support its decision, to the court, to all attorneys who appeared at the Temporary Physical Custody hearing and to the parents. The order does not apply to incarcerated parents, parents who are unavailable, or when there a threat to the safety of the children, or to the Division staff.

OTHER SPECIAL ORDERS/ OTHER CONDITIONS OF CUSTODY pursuant to s. 48.21(4)a and (4)b: .

THE COURT FURTHER ORDERS THE FOLLOWING ACTIONS TO BE COMPLETED ON OR BEFORE _____, 201__:

LENGTH OF ORDER: Pursuant to Wis. Stats. s. 48.21(5m), An order to hold a child in custody remains in effect until a dispositional order is granted or a consent decree is entered into, the petition under s. 48.25 is withdrawn or dismissed, or the order is modified or terminated by further order of the court.

Request for Temporary Physical Custody or Pick-Up Order

Name - Worker Rebecca L. McFadden	Telephone Number (414)343-5543	County Milwaukee	Site / Zone DMCPS-IA 3
Court Number			

I. Family Composition

1. CHIPS Child - List oldest child first.

Child		
Name (Last, First, MI) M [redacted], C [redacted], M.	Birthdate 01/31/2012	Age 6
Address (Street, City, State, Zip Code) [redacted]		Telephone Number [redacted]

Mother <input type="checkbox"/> Unknown <input type="checkbox"/> Deceased	
Name (Last, First, MI) Status: <input type="checkbox"/> Birth <input type="checkbox"/> Adoptive M [redacted], B [redacted], C.	
Birthdate 01/03/1991	
Address (Street, City, State, Zip Code) [redacted]	
Telephone Number Home [redacted]	
Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
Name - Spouse [redacted]	

Father <input type="checkbox"/> Unknown <input type="checkbox"/> Deceased	
Name (Last, First, MI) C [redacted], J [redacted], D.	
Birthdate 11/18/1990	
Address (Street, City, State, Zip Code) [redacted]	
Telephone Number [redacted]	
Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
Name - Spouse [redacted]	
Status: <input checked="" type="checkbox"/> Adjudicated <input type="checkbox"/> Adoptive <input type="checkbox"/> Alleged <input type="checkbox"/> Presumptive	

Child		
Name (Last, First, MI) J [redacted], E [redacted], A.	Birthdate 03/27/2013	Age 4
Address (Street, City, State, Zip Code) [redacted]		Telephone Number [redacted]

Mother <input type="checkbox"/> Unknown <input type="checkbox"/> Deceased	
Name (Last, First, MI) Status: <input type="checkbox"/> Birth <input type="checkbox"/> Adoptive M [redacted], E [redacted], C.	
Birthdate 01/03/1991	
Address (Street, City, State, Zip Code) [redacted]	
Telephone Number Home [redacted]	
Marital Status <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
Name - Spouse [redacted]	

Father <input type="checkbox"/> Unknown <input type="checkbox"/> Deceased	
Name (Last, First, MI) J [redacted], C [redacted], N.	
Birthdate 07/24/1989	
Address (Street, City, State, Zip Code) [redacted]	
Telephone Number [redacted]	
Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced	
Name - Spouse [redacted]	
Status: <input checked="" type="checkbox"/> Adjudicated <input type="checkbox"/> Adoptive <input type="checkbox"/> Alleged <input type="checkbox"/> Presumptive	

2. List any other children who are part of this family but have not been taken into Temporary Physical Custody at this time. This includes adult children, and children who have been previously involved in a termination of parental rights.

Name - Child	Birthdate	Address - include Zip Code

3. Guardian, Legal Custodian, or Indian Custodian if different than natural parents: relationship, where and when order made.

Name - Child

Name -

Address

- 4. Date and time of decision to hold in custody. Case must appear before the Court within 48 hours of the date and time listed below.

Date (mm/dd/yyyy) | Time

- 5. Yes No Is disclosure of location dangerous to child or custodian? If "Yes", explain why the disclosure would result in imminent danger to the child or physical custodian.

- 6. Where is the child presently placed?

Current Caregiver

Name - Child (Last, First, MI)

J [redacted], I [redacted], A.

Name - Caregiver 1 (Last, First, MI)

W [redacted], S [redacted]

Name - Caregiver 2 (Last, First, MI)

Relationship to Child

Address (Street, City, State, Zip Code)

Telephone Number

Current Caregiver

Name - Child (Last, First, MI)

M [redacted], C [redacted], M.

Name - Caregiver 1 (Last, First, MI)

R [redacted], I [redacted], C.

Name - Caregiver 2 (Last, First, MI)

Relationship to Child

Address (Street, City, State, Zip Code)

Telephone Number

- 7. Placement Requested
 - Home of Parent or Guardian
 - Home of Relative
 - Foster Home or Treatment Foster Home
 - Hospital (excluding psychiatric)
 - Adolescent Assessment Center or Placement Stabilization Center
 - Home of Non-Relative
 - Other Non-Secure Facility

- 8. Other Orders Requested

- 9. Visitation Required - Check one.

- At the discretion of the Agency
- Supervised by the Agency or an approved adult
- Upon mutual desire

- 10. List all the people who will appear at the emergency hearing. Note: All children 12 years of age and older must appear. Rebecca McFadden, Ms. M [redacted], C [redacted], J [redacted] and Mr. C [redacted] (absconder status).

II. Worksheet

- 1. Yes No Is there a language barrier? If "Yes", what is the primary language spoken by the: Parent - Child -
- 2. Name: M [redacted], C [redacted], M. Yes No Is the child an American Indian? If Yes, name of American Indian Tribe or Band:
- 2. Name: J [redacted], H [redacted], A. Yes No Is the child an American Indian? If Yes, name of American Indian Tribe or Band:
 Yes No If the above child is American Indian, has the Tribe been notified of these proceedings? Verification of American Indian status provided by:
- 3. Yes No Was written notification given to parents, guardians, and / or tribe? If "Yes", specify where and when.

Ms. M [REDACTED] via phone on 3-15-18 at ~ 8:15pm. IASW Aisha Johnson delivered notice on 3-16-18 at 6:35pm to her mailbox at undisclosed address. Mr. C [REDACTED] J [REDACTED] in person and in writing at 8pm on 3-15-18. Mr. C [REDACTED] was given notice to his last known address at [REDACTED]. He remains in absconder status.

4. List the date and time the Department received the current referral.

Date (mm/dd/yyyy)	Time
03/15/2018	3pm.

5. Summarize Milwaukee County Courthouse history or out of town court activity. Include findings, dates, placements, orders, etc. Judge Connolly took TPC on 3-7-18 for M [REDACTED] W [REDACTED] who is Ms. M [REDACTED] and Mr. W [REDACTED]'s child.

NOTE: If there is a dispositional order, complete the information below.

On [REDACTED] said child was found to be in need of protection or services pursuant to Wis. Stats. s. 48.13 ([REDACTED]). Based upon finding, the Honorable [REDACTED] transferred legal custody of said child to [REDACTED] for a period of [REDACTED]. That order now expires on [REDACTED]. Said child was placed with [REDACTED] under the court's order.

6. List parents' criminal court contacts.

CCAP: Ms. M [REDACTED]; 10-9-2010: Carrying a Concealed Weapon, a class A misdemeanor, Wisconsin Statutes 941.23.

01.29.13 Sex offender registry violation. Felony. Dispo not reported.

Assault and Battery. Other. Dispo not reported.

Retail theft-not over \$100. Other. Dispo not reported.

03.27.13 Sex offender registry violation. Felony. Dismissed.

06.26.13 Adjudged delinquent possess firearm. Felony. Convicted. Costs. MCHC 12 mo.

Fail/maintain sex offender registry. Misd. Dismissed.

Carry concealed weapon. Misd. Dismissed.

Assault and Battery. Other. Dispo not reported.

04.28.15 Substantial battery-intend bodily harm. Felony. Dispo not reported.

Battery. Misd. Dismissed.

Op while suspended. Other. Dispo not reported.

Non-registration of veh. Other. Dispo not reported.

Op a motor veh. w/o insurance. Other. Dispo not reported.

Theft. Other. Dispo not reported.

12.07.16 Battery. Misd. Convicted. Probation. MCHC 9mo. Probation by judgment 12 mo. MCHC 20 days. Costs.

Disorderly conduct. Misd. Dismissed but read in.

03.23.17 Failure to appear. Misd. Dispo not reported.

Failure to appear. Misd. Dispo not reported.

04.15.17 Retail theft-intentionally take. Other. Dispo not reported.

Mr. J [REDACTED] C [REDACTED]; 9/22/10: Carrying a concealed weapon, Misd. Convicted. Probation 12 mths, Jail 3 months

Receiving Stolen Property, Misd. Dismissed

Possession of THC, Misd. Dismissed

10/29/10: Carrying a Concealed Weapon, Misd. Convicted. 30 days HOC

6/1/11: Bail Jumping. Misd. Dismissed

Battery, Misd. Convicted. Amended to Disorderly Conduct. Probation 18 mths. 9 mths HOC.

3/17/14: Armed Robbery, Felony. Convicted. Extended supervision 4 years. 3 years Prison

5/23/14: Prison intake

3/14/17: Extended supervision. He is currently in "absconder status" with DOC.

7. Family Information (Who are the household members; what are their DOB's; what is their usual address; what is the current location of each family member (if different from their usual address); are there additional family members who are not typically part of the household who are now involved, if so who are they and how are they involved; and what are the family's financial resources (employment, child support, social security benefits, etc.?)

The W [REDACTED] family previously lived with a family friend, named Kamid Everett, DOB 10-27-83 and numerous other household members at [REDACTED] in the fall of 2017. IASW has not been inside this home. Mr. C [REDACTED] S. W [REDACTED], DOB 4-30-84, is the presumptive father of M [REDACTED] M. W [REDACTED], DOB 10-30-17 as the couple married in 2016. They recently rented a home at [REDACTED] in [REDACTED] until Ms. M [REDACTED] decided she wanted to leave Mr. W [REDACTED] on 3-4-18. She has relocated to an undisclosed address for safety concerns as she reported DV by all of her children's fathers.

Ms. E [REDACTED] M [REDACTED], DOB 1-3-91 took her child, C [REDACTED] M [REDACTED], DOB 1-31-12 to reside with PGM L [REDACTED] R [REDACTED] at [REDACTED].

Ms. M [redacted] took H [redacted] J [redacted], DOB 3-27-13 to reside with her at her undisclosed address. Until TPC, C [redacted] and H [redacted] were in the mother's care at an address she does not wish to disclose out of fear of retaliation.

Ms. M [redacted] was receiving Food Share and state insurance. She currently is struggling with her lack of income due leaving Mr. W [redacted] and is not wanting to have contact with him as they worked previously at the same location. Ms. M [redacted] is having struggles in keeping up with the girls medical care.

8. What was the original cause for concern that led the Bureau to make contact and intervene?

A report with same day response time was screened in on 3-5-18. On 3-4-2018 there was an allegation that E [redacted] M [redacted]'s significant other, C [redacted] W [redacted], punched his son, C [redacted]. Police did not find Mr. W [redacted], and the caller believes there is a warrant for his arrest. On 3-5-2018 E [redacted] M [redacted] presented with her children, H [redacted] (4) and C [redacted] (6). H [redacted] has a swollen 2" bruise to her right cheek, and a scratch on the side of her neck. H [redacted] said she also has a bruise on her head. When asked about this Ms. M [redacted] said later on 3-4-2018, Mr. W [redacted] returned to the home and punched and choked H [redacted]. C [redacted] has an abrasion on her elbow and Ms. M [redacted] said she also has a mark on her body from Mr. W [redacted], but did not give more information. Ms. M [redacted] is taking the children to the Child Advocacy Center. There is concern about her ability to be protective. When asked if she knows where Mr. W [redacted] is she said he is probably at her house. She said Mr. W [redacted] has also been violent to her for the last three years. Ms. M [redacted] presents as flat and does not express any plan to end this relationship or to protect the children from abuse. Mr. W [redacted] has been referred to the District Attorney's Office twice in Milwaukee for Child Abuse charges and was also referred in Chicago for criminal child abuse.

An additional report was received on 3-13-18, which was screened out and required follow up. The report stated, "On 3-13-18, 4 yo H [redacted]'s paternal grandmother took H [redacted] to a local medical clinic. The paternal grandmother told medical staff that the mom dropped the victim off at H [redacted]'s dad's house with no explanation on 3-9-18. The dad in turn dropped off H [redacted] at the home of the paternal grandmother on 3-9-18.

The paternal grandmother was told by the victim's mom that child protective services is involved and that the mom has lost custody of her other children.

The paternal grandmother told medical staff that when H [redacted] was dropped off at her house, the paternal grandmother noticed that H [redacted] had facial injuries. The paternal grandmother asked H [redacted] what happened to her. H [redacted] told the paternal grandmother that the mom's live-in boyfriend "did it to me".

The caller met with H [redacted] on 3-13-18. The caller observed that H [redacted] has a 1-inch oval purple in color bruise to her right cheek. She also has a 2-inch oval, purple in color bruise to the top of her right foot. H [redacted] told the caller that the injury to the foot was because H [redacted] "bumped it". When asked about her facial bruise H [redacted] would not look at the caller but said, "I don't know". The caller didn't question H [redacted] further.

9. Detailed description of the actions taken (TPC) to protect the child(ren) and why, including options considered to prevent removal (i.e. Danger threats identified; options considered, available, appropriateness; caregiver involvement in the decision; and location of the children)

DMCPS was not able to coordinate protection planning as this case is under active investigation with an active child abuse warrant involving Ms. M [redacted] and her husband, Mr. C [redacted] W [redacted], who has per the mother, Mr. W [redacted]'s and children's admission physically abused and choked H [redacted] and C [redacted] resulting in injuries.

The children under the marital home of Ms. W [redacted] and Ms. M [redacted] are subjected to present danger related to domestic violence that is out of control according to Ms. M [redacted]. On 3-4-18, although she ensured for the children's safety at the point in which she chose for them to leave, Ms. M [redacted] returned with the children to the home she and Mr. W [redacted]s rented at [redacted] on 3-14-18.

Mr. W [redacted] is the focus of present danger with H [redacted] having injuries to her face and hands as a result of reported physical abuse to her by Mr. W [redacted]. Due to the chronic nature of abuse allegations, coupled with domestic violence, and the vulnerability of H [redacted] and C [redacted] TPC was taken in lieu of a pending CHIPS petition.

10. Summary of the incident based on Bureau contacts and information gathered (i.e. Who went out to gather information; who was observed, interviewed, over what span of time; and what are the conclusions thus far regarding what happened, how it happened, explanations and attitudes of principle parties, effects on the children?)

On 3-9-18, IASW McFadden spoke with Mr. W [redacted] who reported he was upset over all of these allegations and he "was about to turn himself in" in regards to warrants pertaining to the investigation at this time. Mr. W [redacted]

admitted to spanking the children and did not deny he hit C [REDACTED] and H [REDACTED] with a spoon to their hands. Mr. W [REDACTED] was asked about the DV and he denied hitting his wife and stated "we get into it, we fight."

On 3-9-18, FCM Lauren Miller calls GAL Nancy Morris to discuss the case. Confirm that M [REDACTED] is currently placed with her paternal aunt T [REDACTED] W [REDACTED]-M [REDACTED]. FCM Miller inquires if GAL Morris would support T [REDACTED] W [REDACTED]-M [REDACTED] supervising contact between M [REDACTED] W [REDACTED] and B [REDACTED] M [REDACTED]. GAL Morris says that if Ms. W [REDACTED]-M [REDACTED] feels comfortable to do so she does not see an issue with this. FCM Miller inquires if Ms. W [REDACTED]-M [REDACTED] would be approved by GAL Morris to supervise M [REDACTED] W [REDACTED] with C [REDACTED] W [REDACTED]. GAL Morris expresses hesitancy with this idea currently due to Mr. W [REDACTED]'s active warrant for child abuse to his son C [REDACTED] W [REDACTED] Jr. GAL Morris states that if Ms. W [REDACTED]-M [REDACTED] feels that she may control for safety with C [REDACTED] W [REDACTED] while with M [REDACTED] W [REDACTED] that she may supervise otherwise visitation should be supervised by the agency at this time. FCM Miller confirms that she will follow up with both Ms. M [REDACTED] and Mr. W [REDACTED] regarding visitation in hopes to schedule the five day visit for both parents. GAL Morris inquires if FCM Miller may send her an email with all names, addresses and phone numbers as she would like to send someone to check-in on Ms. M [REDACTED]'s other children C [REDACTED] M [REDACTED] and H [REDACTED] J [REDACTED]. GAL Morris confirms that she is the GAL for M [REDACTED] W [REDACTED], C [REDACTED] M [REDACTED] and H [REDACTED] J [REDACTED]. However, Ms. Morris is not the GAL for C [REDACTED] W [REDACTED] Jr. FCM Miller informs GAL Morris that she does not have a signed release of information from Ms. M [REDACTED] to send all contact information.

On 3-9-18, FCM Miller calls Ms. B [REDACTED] M [REDACTED] at phone number [REDACTED] listed in eWISACWIS. When FCM Miller calls the number listed for Ms. M [REDACTED] an automated message is reached and the call is not able to be completed.

On 3-9-18, FCM Miller calls Mr. C [REDACTED] W [REDACTED] to introduce herself and indicate that she will be working with him and M [REDACTED]. FCM Miller indicates that she was hopeful to set up a visit for him with M [REDACTED] as early as next week Monday if he may be available. Mr. W [REDACTED] indicates that he is available. FCM Miller proposes a visit from 12-2pm on Monday, March 12th. Mr. W [REDACTED] indicates that this will work for him. FCM Miller states that she will still need to connect with Ms. W [REDACTED]-M [REDACTED] to confirm that M [REDACTED] is also available. FCM Miller states that she will try to stop by her house today to see if M [REDACTED] may be available for this visit on Monday. FCM Miller informs Mr. W [REDACTED] that she will follow up with him later this afternoon to confirm.

On 3-9-18, FCM Miller and FCM Casey returned to the home of Ms. W [REDACTED] M [REDACTED]. Ms. W [REDACTED] M [REDACTED] welcomed FCM Miller and FCM Casey into her home at this time. Upon entering the home M [REDACTED] was in the living room swinging in a baby swing. There were many other children in the home at this time as well. Ms. W [REDACTED] M [REDACTED] reported that she has seven biological children that reside in the home with her and that some of the children in the home at this time were not her children. Ms. W [REDACTED] M [REDACTED]'s significant other, Mr. W [REDACTED] M [REDACTED] was also home at this time. FCM Miller spoke with Ms. W [REDACTED] M [REDACTED] about the doctor's appointments this morning for M [REDACTED]'s CT. Ms. W [REDACTED] M [REDACTED] confirmed that M [REDACTED]'s CT scans occurred although Ms. M [REDACTED] did not attend. FCM Miller inquires if Ms. M [REDACTED] had planned to attend to Ms. W [REDACTED] M [REDACTED]'s knowledge. Ms. W [REDACTED] M [REDACTED] says that she thought Ms. M [REDACTED] had to attend but then Ms. M [REDACTED] did not as she was told she does not have rights to her child. FCM Miller talks to Ms. W [REDACTED] M [REDACTED] about this statement as FCM Miller had also heard something similar referenced in an email. FCM Miller states that she is not sure where this statement came from as she has not successfully connected with Ms. M [REDACTED] to understand her perception. FCM Miller confirms that Ms. M [REDACTED] does still have rights to M [REDACTED] and she is encouraged to have contact with M [REDACTED] however per the court order the contact must be supervised at this time. FCM Miller talks with Ms. W [REDACTED] M [REDACTED] about her willingness and ability to provide supervision for Ms. M [REDACTED] within her home for Ms. M [REDACTED] with M [REDACTED]. Ms. W [REDACTED] M [REDACTED] says that she would be both willing and able to supervise Ms. M [REDACTED] with M [REDACTED] in her home. Ms. W [REDACTED] M [REDACTED] expresses difficulty connecting with Ms. M [REDACTED] reporting that when she calls Ms. M [REDACTED] she does not return her calls. Ms. W [REDACTED] M [REDACTED] stated that she had called her from two other numbers that were unfamiliar to Ms. M [REDACTED] to which Ms. M [REDACTED] called back to see who had called her but still did not return the call to Ms. W [REDACTED] M [REDACTED]. Ms. W [REDACTED] M [REDACTED] says that she had called Ms. M [REDACTED] in regards to medications for M [REDACTED] and that phone call was returned because it was in relation to medication per Ms. W [REDACTED] M [REDACTED]. However, Ms. W [REDACTED] M [REDACTED] stated that Ms. M [REDACTED] stated that she did not have transportation to get the medication for M [REDACTED]. FCM Miller talks to Ms. W [REDACTED] M [REDACTED] and states that she will follow up with Ms. M [REDACTED] in regards to visitation as well so Ms. M [REDACTED] is also aware that she may reach out and coordinate with Ms. W [REDACTED] M [REDACTED] to visit M [REDACTED] in Ms. W [REDACTED] M [REDACTED]'s home. FCM Miller confirms that Ms. W [REDACTED] M [REDACTED] will supervise any contact between M [REDACTED] and Ms. M [REDACTED] at this time.

3-12-18, FCM Miller and FCM Casey greeted Ms. W [REDACTED] M [REDACTED] in the main lobby of the Children's Hospital Community Services Office. FCM Miller and FCM Casey ask Ms. W [REDACTED] M [REDACTED] if she had seen Mr. W [REDACTED] since she had arrived. Ms. W [REDACTED] M [REDACTED] stated that she had not. Ms. W [REDACTED] M [REDACTED] said that Mr. W [REDACTED] had made mention that he was planning to turn himself in this morning and he may not be here for this reason. FCM Miller stated that she had not heard from Mr. W [REDACTED] since she spoke with him on Friday (03/09/18) to confirm the visit with him and therefore was uncertain if he had decided to turn himself in as he had not communicated this to FCM Miller. FCM Miller, FCM Casey, and Ms. W [REDACTED] M [REDACTED] waited in the lobby for approximately 10 minutes with M [REDACTED] and Ms. W [REDACTED] M [REDACTED]'s two year old daughter. Around 12:10pm Mr. W [REDACTED] had not yet arrived to the office nor had Ms. W [REDACTED] M [REDACTED] or FCM Miller heard from Mr. W [REDACTED]. At 12:11pm FCM Miller called Mr. W [REDACTED] and the phone rang and went to his voicemail. FCM Miller left a voicemail for Mr. W [REDACTED] stating that she was at the Children's Hospital Community Services Office with Ms. W [REDACTED] M [REDACTED] and M [REDACTED] for his visit scheduled with M [REDACTED] today. At that time Mr. W [REDACTED] had not arrived to the office nor had he returned the call to FCM Miller.

On 3-12-18, FCM Miller calls Ms. B [REDACTED] M [REDACTED] the call goes straight to voicemail. FCM Miller leaves a message indicating that she is with Children's Hospital Community Services and will be the FCM assigned to her case. FCM Miller indicates that she was hopeful to connect with her to schedule visitation for her with M [REDACTED] as soon as possible. FCM Miller states that she had tried to go to her residence based on her last known address to talk to her and it seems that she may not reside at that address any longer. FCM Miller provides her phone number for Ms. M [REDACTED] to return the call as soon as she is able to coordinate visitation for her with M [REDACTED] if she is interested.

On 3-12-18, Ms. M [REDACTED] returns FCM Miller's call and voicemail. FCM Miller introduces herself to Ms. M [REDACTED] and says that she would like to schedule visitation for her with M [REDACTED] as soon as possible. FCM Miller inquires when Ms. M [REDACTED] may be available for visitation. Ms. M [REDACTED] indicates that she is available at any time. FCM Miller explains that Ms. M [REDACTED] has some options for visitation at this point as she may visit with M [REDACTED] at our agency with our staff supervising or she may visit in the home of Ms. W [REDACTED] M [REDACTED] with Ms. W [REDACTED] M [REDACTED] supervising. Ms. M [REDACTED] says that it does not matter to her. FCM Miller states that if she does not have a preference she will plan for Ms. M [REDACTED] to visit in the home of Ms. W [REDACTED] M [REDACTED] and she will allow both Ms. M [REDACTED] and Ms. W [REDACTED] M [REDACTED] to coordinate the days/times that work for them for visitation. FCM Miller confirms that the court order currently does state that she should be visiting for a minimum of 4 hours per week so if Ms. M [REDACTED] is not getting at least 4 hours of visitation with M [REDACTED] in the home to contact FCM Miller immediately as then our office will ensure that time is provided with our agency. Ms. W [REDACTED] M [REDACTED] states that if it is 4 hours of visits she would then prefer to have those visits at our office. I confirm the location and address of our office and Ms. M [REDACTED] states that she is not sure that she would be able to get here. FCM Miller inquires if she is able to take the bus. Ms. M [REDACTED] says that she is but she is broke. FCM Miller states that she would be able to provide her bus tickets for transportation to and from the visitation with her daughter. FCM Miller states that she is going to follow-up with the Family Support Worker assigned to the case to see what her availability is for visitation and will get back to her. Ms. M [REDACTED] inquires how long this process will take. FCM Miller informs Ms. M [REDACTED] that she does not have the answer to that question. FCM Miller states that the case has not officially been transferred to our agency at this time and we are at this point just stepping in to try to facilitate visitation as soon as possible. FCM Miller states that case should be transferred by the end of this week and a meeting would be held to discuss the case and circumstances to give us a better understanding of what needs to happen to better understand what timeframes may look like. FCM Miller also talks to Ms. M [REDACTED] about her address and states that the last address she has for her is [REDACTED]. FCM Miller states that she went to that address on Friday, March 9th, 2018 and it sounds like she may no longer reside there. Ms. M [REDACTED] states that is accurate and provides her new address as [REDACTED]. FCM Miller states that when she went to Ms. M [REDACTED]'s previous address on March 9th, 2018 F [REDACTED] was at that home. FCM Miller inquires where H [REDACTED] is currently located. Ms. M [REDACTED] indicates that F [REDACTED] is currently at her home.

On 3-12-18, FCM Miller and FCM Casey drove to Ms. M [REDACTED]'s address provided 03/12/18 by Ms. M [REDACTED]. FCM Miller and FCM Casey knocked on the door to the building with no answer. FCM Miller and FCM Casey also rang the doorbell labeled for apartment one. After waiting a few minutes there was no answer at the door. The front window was opened but FCM Miller and FCM Casey did not hear movement within the unit. At 2:57pm FCM Miller called Ms. M [REDACTED] and stated that she and her co-worker FCM Casey had stopped at her home and were hopeful to see her and F [REDACTED]. Ms. M [REDACTED] apologized and stated that she was not home and was at a friend's house. Ms. M [REDACTED] stated that had she known FCM Miller was coming she would have been at home.

FCM Miller stated that she would be happy to schedule a time to meet with her at her home to see her and H [REDACTED] and that she had stopped today as she was in the area and was hopeful that she may be able to see her.

On 3-13-18, FCM Miller calls Ms. M [REDACTED] and talks to her about scheduling a time to come out today to meet with her. FCM Miller proposes coming to Ms. M [REDACTED]'s home at 1pm this afternoon. Ms. M [REDACTED] states that she should be home by 1pm but does have an interview at 11am. FCM Miller inquires if H [REDACTED] will be at home with Ms. M [REDACTED] today as she would also like to see H [REDACTED]. Ms. M [REDACTED] says that she can pick her up. FCM Miller inquires if she is in a daycare facility at this time. Ms. M [REDACTED] states that she dropped H [REDACTED] off at a friend's house so she could "take care of some things." FCM Miller also talks to Ms. M [REDACTED] about scheduling visitation for her with M [REDACTED]. FCM Miller states that she was hopeful to set up visits for her on Wednesday, March 14th and Thursday, March 15th from 10am-12pm. FCM Miller states that she will also bring Ms. M [REDACTED] bus passes when she comes to her home this afternoon so she is able to get to the visits and home. FCM Miller inquires if Ms. M [REDACTED] was planning to bring H [REDACTED] to the visits as well. Ms. M [REDACTED] says that she was. FCM Miller states that is great and was hopeful that H [REDACTED] would also be able to see her sister. In addition FCM Miller talks about the case transfer meeting. FCM Miller states that IA worker Rebecca McFadden had scheduled the case transfer for Thursday, March 15th at 3pm at DMCPs. Ms. M [REDACTED] states that if Ms. McFadden is present she will not be there. Ms. M [REDACTED] states that Ms. McFadden ruined her life and lied to the court and took her child away. Ms. M [REDACTED] says that she does not see the point in being present for this meeting when it is between the agencies to transfer the case. Ms. M [REDACTED] says that she does not care who her case worker is as she only cares about getting her child back. FCM Miller explains that the case transfer meeting will provide a discussion of the circumstances that led to her child being removed to allow for understanding in what services may be helpful to move forward and help her to return her child safely to her home. FCM Miller explains that in addition the case transfer will include additional parties from our agency who will introduce themselves and explain their role. FCM Miller encourages Ms. M [REDACTED]'s participation. Ms. M [REDACTED] continues to refuse to attend this meeting if Ms. McFadden is present. FCM Miller inquires if Ms. M [REDACTED] would be open to the idea of attending via phone to participate in the meeting in some fashion if she feels that she cannot attend in person. Ms. M [REDACTED] expresses thought in the idea of attending via phone. FCM Miller states that with the meeting at DMCPs she is not aware of the technology capabilities of their office and if they are able to phone someone into a meeting. FCM Miller states that she will follow up with Ms. McFadden to inquire what options may be available. Ms. M [REDACTED] continues to talk about Ms. McFadden in a negative fashion expressing how Ms. McFadden ruined her life. Ms. M [REDACTED] says that she is not sure how "we" think her child is safer when placed with his aunt who is his dad's sister. Ms. M [REDACTED] expresses that "he" will just go over there. Ms. M [REDACTED] says "what don't you people get about this?" Ms. M [REDACTED] inquires why her child is not safe with her. FCM Miller states that she apologizes but these are aspects that she does not yet have answers to for her. FCM Miller explains that as the case has not officially transferred FCM Miller does not hold all the information from IA worker Rebecca McFadden to speak to Ms. M [REDACTED]'s questions at this time. FCM Miller explains that she had stepped in prior to the case transfer in effort to introduce herself and begin visitation as FCM Miller wanted to ensure that Ms. M [REDACTED] was provided opportunity to see M [REDACTED] as soon as possible. Ms. M [REDACTED] tells FCM Miller to forget coming to her house today if she is not even her case manager yet. Ms. M [REDACTED] ends the call without further comment.

On 3-13-18, FCM Miller and FCM Casey arrived to address [REDACTED] to meet Ms. M [REDACTED] and H [REDACTED]. FCM Miller called Ms. M [REDACTED] and the phone rang and went to voicemail. FCM Miller left a voicemail for Ms. M [REDACTED] stating that she was outside of her home at this time and was hopeful to provide her bus tickets as they had talked about to provide Ms. M [REDACTED] transportation to visitation to see M [REDACTED]. FCM Miller stated that she was hopeful to at least provide options for Ms. M [REDACTED] to visit M [REDACTED] if nothing else prior to the case transfer. FCM Miller stated in this voicemail that she would wait outside the home for five minutes in hopes that Ms. M [REDACTED] will call back and accept the bus tickets. FCM waited outside the home and rang the doorbell for apartment [REDACTED] twice while waiting outside with no answer at the door. FCM Miller did not receive a return phone call from Ms. M [REDACTED] prior to 1:20pm. FCM Miller and FCM Casey departed this location at 1:20pm with no success at connecting with Ms. M [REDACTED] or providing her bus tickets.

On 3-15-18, Ms. M [REDACTED] called FCM Miller and left a voicemail requesting a return call. On 3-16-18, FCM Miller calls Ms. W [REDACTED] M [REDACTED] and shares that the case transfer has been rescheduled for Tuesday, March 20th (1:45-4:15pm) at DMCPs. FCM Miller also informs Ms. W [REDACTED] M [REDACTED] that she wanted to schedule another home visit to come out with one of the Children's Hospital Nurses to see M [REDACTED] next week if possible. FCM Miller schedules a home visit for Thursday, March 22nd at 1pm with Ms. W [REDACTED] M [REDACTED] and M [REDACTED]. FCM Miller also updates Ms. W [REDACTED] M [REDACTED] that she has not been successful at coordinating with Ms. M [REDACTED] for visitation with M [REDACTED]. FCM Miller again confirms that should Ms. M [REDACTED] reach out to Ms. W [REDACTED] M [REDACTED] to see M [REDACTED] that

Ms. M [REDACTED] is welcome and encouraged to see M [REDACTED] as long as the contact would be supervised by Ms. W [REDACTED] M [REDACTED].

On 3-15-18, IASW McFadden met with Ms. L [REDACTED] R [REDACTED] and her adult daughter, Q [REDACTED] R [REDACTED] (paternal grandmother and aunt to C [REDACTED], respectively) that there was possible concern for the mother going back to her marriage. IASW learned that since the mother, Ms. M [REDACTED] had her child with Ms. L [REDACTED] R [REDACTED], she had been visiting with her and keeping her for a couple hours at a time or for an overnight visit is convenient for the parties. Ms. Q [REDACTED] R [REDACTED] said she knew for the past month or so Ms. M [REDACTED] reporting on social media that she was having a hard time reporting she was going to leave Mr. W [REDACTED] soon, that she'd had a black eye. Ms. Q [REDACTED] R [REDACTED] said Ms. M [REDACTED] called her on Sunday 3-4-18 to ask for her help in leaving Mr. W [REDACTED] stating she was scared for the girls and they were hit by Mr. W [REDACTED]. Ms. R [REDACTED] said Ms. M [REDACTED] called the police to report this and that Ms. Q [REDACTED] R [REDACTED] also called to report domestic violence and child abuse. Ms. Q [REDACTED] R [REDACTED] said this was around 11am that Sunday and she arrived to assist around noon. Ms. Q [REDACTED] R [REDACTED] said Ms. M [REDACTED] said they needed to leave due to this and she helped by moving their things. Ms. Q [REDACTED] R [REDACTED] said the police came and left, but they were concerned for Jr. and that he was going to be in trouble from his father. Ms. Q [REDACTED] R [REDACTED] said the police returned around 4pm after Mr. W [REDACTED] had gone to work.

Ms. Q [REDACTED] R [REDACTED] said on 3-14-18, she had C [REDACTED] with her asked about a visit with her, so she took C [REDACTED] to see her mom. Upon C [REDACTED]'s return to her, C [REDACTED] reported she had a good time with her mom and along with H [REDACTED] went to see their dad she sometimes calls "C [REDACTED]". Both Ms. R [REDACTED]'s vented about frustration with the mother and her not being truthful about things as well as at times, concealing C [REDACTED] from their family.

On 3-15-18, IASW was present when C [REDACTED] stated she saw her sister H [REDACTED], her mom and her dad at the new house, that they went to the park and she played with the dog. C [REDACTED] said her mom and dad talked when they were in the house and after they took H [REDACTED] back to her granny's house, which is her current out of home placement with S [REDACTED] W [REDACTED]. DMCPs Lorraine Hartmann program manager were present as well and determined during that conversation, the mother was allowing contact with her children and her husband during an active criminal and CPS investigation. The concern for TPC was heightened and occurred on 3-15-18 at 8pm for both girls.

On 3-15-18, IASW spoke with Ms. M [REDACTED] about the decision to take TPC. When she was informed it was learned that the girls had been in contact with Mr. W [REDACTED], she said "who told you that?" IASW responded that it was from the girls and she said "so you're going to believe a child." Ms. M [REDACTED] vented about how worker was a "fucking liar" and eventually hung up after she was told about court on Monday, March 19.

During the forensic interview on 3-16-18 done by Heather Jensen of Milwaukee Child Advocacy Center, H [REDACTED] disclosed her dad whooped her for drawing with markers in herself. H [REDACTED] said she loved her father and "him need help." She said her dad came by to "fight me" and she was whooped with his hand, that "he hurt and choke me, said he would kill you. He was mad and want him to stop being mad. I love him hard." She was asked what if felt like when he choked her she could not talk, "me breath off, knife." H [REDACTED] said that Jr. put a knife on her neck. When asked where mom was she said her mom was "picking up diapers." When asked what happened to C [REDACTED], she said the "spoon broke" on C [REDACTED]'s hand and Jr. got the spoon. When asked about other bruises she said she had fallen and hit herself on the TV. H [REDACTED] said her dad "whooped me and mama hit mom on her body at the new house."

During the forensic interview on 3-16-18 done by Heather Jensen of Milwaukee Child Advocacy Center, C [REDACTED] M [REDACTED] disclosed her dad, (later identified as Mr. W [REDACTED]) punched mer in the stomach, whooped her hand with a wooden spoon and broke the spoon. She said her sister H [REDACTED] was hit with the spoon too. C [REDACTED] talked about her mother having a black eye and T [REDACTED] (aunt Q [REDACTED]) picked her up. C [REDACTED] said her brother got the spoon. During the hitting her dad was "cuss at me" and told her to get on the stairs. C [REDACTED] said her mom was in the living room when it happened with her baby sister. C [REDACTED] said the punch to her stomach happened the same day and said it felt like she had no breath after the punch. When asked about touching problems, she said that Jr. touched her and "he put his private on my private" around the time when her mom had a baby in her belly. She said that she told her mom and when her dad was at work and he didn't know. She said they went to Taco Bell because she bled in the toilet and Jr. "he said I did the splits."

After the forensic interview and debriefing process, both Ms. L [REDACTED] R [REDACTED] and Q [REDACTED] R [REDACTED] said that during the visit, C [REDACTED] had with her mother on 3-14-18, the mother had given C [REDACTED] a purse, some lotion and a cell phone that was not charged. C [REDACTED] said she knew the password for the phone was her baby sister M [REDACTED]'s date of birth and the phone was opened. Ms. L [REDACTED] R [REDACTED] said she charged the phone and checked it for child safety, nothing there were "inappropriate pictures" in the phone and she had observed multiple texts from Ms. M [REDACTED] asking around for "pinks, perc 15" for the both of them, referring to Ms. M [REDACTED] and Mr. W [REDACTED]. The texts were not observed by IASW and Ms. L [REDACTED] R [REDACTED] has the phone.

On 3-16-18, FCM Miller returned Ms. M [REDACTED]'s call. Ms. M [REDACTED] indicates that FCM Miller had called her earlier and she was just getting back to her. FCM Miller confirms that she had called on Tuesday as FCM Miller had come out to her home in hopes to get Ms. M [REDACTED] bus passes to set up visitation for her with M [REDACTED]. FCM Miller apologizes and states that it seems she may have missed Ms. M [REDACTED] but would like to reschedule a time to meet with her to discuss scheduling visits and get her bus passes to assure transportation to and from visits. FCM Miller proposes that Ms. M [REDACTED] and FCM Miller meet next week if possible. Ms. M [REDACTED] indicates that would be fine. FCM Miller schedules a home visit with Ms. M [REDACTED] next week Wednesday, March 21st at 8:30am. FCM Miller confirms that Ms. M [REDACTED] continues to reside at [REDACTED]. Ms. M [REDACTED] confirms this is accurate. FCM Miller confirms that she will meet Ms. M [REDACTED] at her home next Wednesday at 8:30am.

11. Any pertinent history that supports the premise that the incident may not be an anomaly and/or the dangerous conditions are a pattern?

On 3-4-18, Ms. E [REDACTED] M [REDACTED] contacted MPD to execute a plan to leave Mr. W [REDACTED] after it was learned that he had physically beaten her two biological children, H [REDACTED] J [REDACTED] and C [REDACTED] M [REDACTED] with a spoon resulting in swelling. Ms. M [REDACTED] contacted MPD for assistance in leaving their newly rented property at [REDACTED] after moving there over the course of the days since 3-2-18. Previously, the family had been staying in a hotel near the airport and had been moving from various relative homes in Milwaukee that would allow them to stay.

On 3-5-18 after meeting with the Victim Advocate, Abby Van Boxtel, Ms. M [REDACTED] was directed to go to the CAC as this case is pending possible criminal charges. Ms. M [REDACTED] was at the downtown ADA's office with Ms. I [REDACTED] P [REDACTED], who helped the family on 3-4-18. Ms. P [REDACTED] contacted MPD to report about what happened with C [REDACTED] and his dad the day prior.

CAC Judy Walczak said H [REDACTED] has diagnostic physical abuse bruising to the right side of her face and a smaller bruise to the left side of her face. She has a purple contusion to her right hand and an oval contusion to the left arm. H [REDACTED] said "spoon" and NP Walczak was not able to understand her further. IASW McFadden asked H [REDACTED] what happened to her face and she motioned with an open hand to her right cheek in a slapping manner that "my daddy hit me for writing on myself." Ms. M [REDACTED] said the H [REDACTED] said to her that her dad had choked and scratched her.

C [REDACTED] was also seen by NP Walczak and was observed with minor injury to her left hand/elbow. Both girls have follow up forensic interviews on 3-16-18.

On 3-5-18, Ms. M [REDACTED] stated she was managing to move the home belongings with the assistance of Mr. W [REDACTED] mother, E [REDACTED] W [REDACTED] who provided child care for the four children when they were moving belongings. Ms. M [REDACTED] said Mr. W [REDACTED] beat her with his fists and smashed her forehead into the steering wheel of their van. Ms. M [REDACTED] said they have fought physically before, but she had never been seriously harmed. She reported the physical abuse as infrequent and it "never occurred" around the children when she was asked. Ms. M [REDACTED] said the incident happened on 3-3-18 and she was hurt, but had no visible injuries.

Ms. M [REDACTED] said she had planned an exit strategy when she left the home on 3-4-18. She said she had to run an errand to get money and was gone for about an hour and when she returned to the home, "Jr. came to me and told me what his dad did to C [REDACTED] and H [REDACTED]." Ms. M [REDACTED] said while she was gone Jr. told her that the girls found some markers and were making a mess with them. Ms. M [REDACTED] said Jr. told her the girls were hit with a spoon to their hand by his father. Ms. M [REDACTED] said she observed the broken wooden spoon.

Ms. M [REDACTED] said she contacted the police because she knew to report the incident on 3-4-18. Ms. M [REDACTED] said when the police arrived, they looked at H [REDACTED]'s injuries and by this time, Mr. W [REDACTED] had gone to work. She said the

police didn't do anything and told her if she was planning on leaving Mr. W [REDACTED], now was the time to do it. She stated no one interviewed or talked to them about the domestic violence.

Ms. M [REDACTED] said she worked on 3-4-18 on arrangements for where she wanted the children to go. Ms. M [REDACTED] said Jr. told her what happened on 3-3-18 when he was helping his dad move bags from the car and his dad pushed him to the ground after his dad punched him. Ms. M [REDACTED] said she had seen Mr. W [REDACTED] do this one time to Jr. and observed him make Jr. to squats. Ms. M [REDACTED] stated she had not seen the physical abuse allegations brought up by Jr. about his father, because she suspected it occurred when she was not around the home.

Ms. M [REDACTED] said she had phone numbers for relatives and reached out to have M [REDACTED] go with her aunt, T [REDACTED] W [REDACTED] M [REDACTED]. Ms. M [REDACTED] said "I cannot have her with me right now, there is no room and I need to focus on getting things together" without Mr. W [REDACTED]. After court, Ms. I [REDACTED] P [REDACTED] confirmed with OCM Haley Hanson that "I was there, I heard her say those things." Ms. M [REDACTED] had left after the TPC hearing of M [REDACTED], would not meet with OCM and told IASW that "you fucking ruined my life" and that IASW was a liar.

Ms. M [REDACTED] said her daughter, E [REDACTED] will remain with her at an address she asked IASW McFadden to not disclose out of fear for their safety. Ms. M [REDACTED] said she took C [REDACTED] to her father, J [REDACTED] C [REDACTED] mother's house who is named I [REDACTED] R [REDACTED] at [REDACTED]. Ms. M [REDACTED] said she reached out and was able to locate a relative of C [REDACTED] Jr. named I [REDACTED] P [REDACTED] and this is where Jr remained as she coordinated the safety of herself and the three girls.

Ms. M [REDACTED] reported to IASW, "I have never seen Mr. W [REDACTED] physically hurt her girls before and I knew when I got home and saw what happened was that it was time to leave." Ms. M [REDACTED] said the difficulty in their relationship before had been a burden to her and she had considered making it work. Ms. M [REDACTED] said things would get better for a while and he was a good father to her children, but she knew this incident had to be reported. Ms. M [REDACTED] stated she wants a child abuse injunction against Mr. W [REDACTED] and will be meeting with a Sojourner Family Peace advocate. Ms. M [REDACTED] said she would do anything CPS needs to keep her children safe and said she would cooperate with what is needed.

On 3-5-18, IASW reached out to Mr. W [REDACTED] to discuss the TPC of the children as a new report had been received regarding physical abuse. Mr. W [REDACTED] reported he "got home for work and only his belongings remained in the home." He said they did have an argument. IASW informed him that Jr. said he did not want to remain in the care of his father and the girls reported physical abuse with a spoon.

Mr. W [REDACTED] said "this had gone too far, she's taking this too far, I'm going to jail for this?" IASW informed him about the injuries to H [REDACTED]'s face and hands and he admitted to hitting them for messing with markers and denied he caused any other injury.

12. Information gathered thus far that helps understand more than the incident: (i.e. The general functioning of all the children; the general functioning of all the adult caregivers; the general approach to and methods of discipline used; the general parenting by the adult caregivers; and other forms of maltreatment that may be happening)

The information is gathered prior to the 3-4-18 CPS report: H [REDACTED] J [REDACTED] is a near year old bi-racial African American and Asian female who resides with her mother, siblings, and her mother's significant other. H [REDACTED]'s biological father, C [REDACTED] J [REDACTED], is not involved with H [REDACTED] according to Ms. M [REDACTED]. She stated that H [REDACTED] has not seen Mr. J [REDACTED] in years; she was not sure on the exact date. Mr. J [REDACTED] said he's not seen H [REDACTED] since she was about 18 months old. H [REDACTED] attends Cass St. School in the K4 program. H [REDACTED]'s pediatrician is Dr. Labarge; she was last seen for a check-up in February 2016 and does not have any known physical or mental health conditions. H [REDACTED] was observed to be of high energy; running around, laughing, and interacting with others. She loves to play with her sister, according to Ms. M [REDACTED], and watches the Brady Bunch frequently. Mr. W [REDACTED] indicated that H [REDACTED] looks up to C [REDACTED] and tries to copy her or mimic what she is doing. H [REDACTED] was described by Mr. W [REDACTED]'s mother, E [REDACTED] W [REDACTED], as a "vibrant spirit," meaning she is pleasurable to be around and makes others smile. H [REDACTED] was observed to be well-mannered and respectful of adults. She was observed to listen to Mr. W [REDACTED] and Ms. W [REDACTED] when asked to do something. H [REDACTED] appears to be well bonded with her mother and with Mr. W [REDACTED], as if he is a father-figure to her. H [REDACTED] was seen saying "I love you" and hugging Mr. W [REDACTED]. According to the parents she has a well check on 1-31-18. It does not appear this has been completed.

According to relative paternal grandmother, Ms. S [REDACTED] W [REDACTED], a doctor informed her that she is under immunized and was given, shots as well as a laxative because she was not having bowel movements. PGM stated

H [REDACTED] has some concerning behavior issues, she has noticed over the last few weeks which include pouting, aggression, difficulty having bowel movements, telling people to shut up and not listening.

C [REDACTED] M [REDACTED] is a 5 year old bi-racial Asian and African American female who resides with her mother, siblings, and her mother's significant other. C [REDACTED]'s biological father is J [REDACTED] C [REDACTED], but Ms. M [REDACTED] indicated that Mr. C [REDACTED] is not involved with C [REDACTED] and has been absent from her life since she was born. C [REDACTED] attends Cass St. School in the K5 program. C [REDACTED]'s pediatrician is Dr. Labarge; she was last seen in March of 2016 and has no known physical or mental health conditions. C [REDACTED] is observed to be a quiet and reserved child who is polite and respectful to others. She was observed using manners, such as "please" and "thank you," when she was with her parents and her grandmother. C [REDACTED] is described by her mother as calm and easy to keep happy. She enjoys playing with her sister and watching TV/cartoons. C [REDACTED] was reserved when speaking with IASW Johnson, but did open up after some conversation. Her sentence structure was difficult to understand and she would point or offer to demonstrate if she did not know how to explain something. C [REDACTED] was observed to be appropriately bonded with her mother, and was also observed to have a bonded/fatherly relationship with Mr. W [REDACTED]. She referred to Mr. W [REDACTED]'s mother as her "granny" and told both of them that she loved them. Ms. M [REDACTED] described C [REDACTED] as intelligent and helpful around the home. She appears to have an independent personality. The parents stated she has a well check on January 31, 2018 and had a December 2017 urgent care visit.

M [REDACTED] is a 4 month old African American and Asian girl to Ms. M [REDACTED] and alleged/presumptive father, Mr. C [REDACTED] W [REDACTED], with whom he lives.

IASW was able to meet with and assess for her safety. She is a happy and reported to be healthy child with no problems eating or sleeping. However a new access report has been generated. Mr. W [REDACTED] said M [REDACTED] was not injured when Jr. kicked the car seat per her father.

Her sister H [REDACTED] expressed concern about Jr. being rough with M [REDACTED]. M [REDACTED] has been to her primary doctor at least three times since birth and was due for a well-child check at three months in January. She has been sick with a URI and had a type of yeast infection.

There are no known effects of maltreatment at this time.

B [REDACTED] M [REDACTED] is a 27 year old Asian female who resides with her significant other, C [REDACTED] W [REDACTED], and their four children. Ms. M [REDACTED] was reluctant to give IASW Johnson personal information about herself due to her "being focused on [K [REDACTED]] in 2016 IA. Mrs. M [REDACTED] informed IASW McFadden she and Mr. W [REDACTED] met through co-workers and mutual friends when Mr. W [REDACTED] was a GM at Taco Bell and she was a "crew member." She said he moved in with her and they briefly relocated to MN and then Jr. went with his mother and upon return to WI, Jr. moved in with them again.

Ms. M [REDACTED] has a history of unemployment, though she has held employment in the past in the restaurant industry. Ms. M [REDACTED] chose to stay home to raise her children. She works now at Jersey Mikes in Muskego and transportation has been an issue. She had been employed until July 2015 but stopped working due to her pregnancy with K [REDACTED].

Ms. M [REDACTED] has her HSED and is receiving Food Share benefits. Ms. M [REDACTED] had been involved with Project "Oh Yeah" as of 2013; according to Mr. W [REDACTED], she is not currently involved with them anymore. Ms. M [REDACTED] has been diagnosed with depression, PTSD, and anxiety; partially due to her own experience in the foster care system and living in group homes and different states. Ms. M [REDACTED] is not currently involved in therapy or taking medications for her mental illnesses, though according to an IA completed in 2013, she has received therapy in the past. Ms. M [REDACTED] denied having any current health conditions.

Ms. M [REDACTED] described herself as funny and one who has a bubbly personality. She was described by Mr. W [REDACTED] as kind-hearted and independent, but was described by Ms. Geary as quiet and distant. Ms. M [REDACTED] and she did not appear to be under the influence of drugs or alcohol during any interaction and she had appropriate affect. She also denied any AODA issues presently and in the past. Ms. M [REDACTED] denied any violence between herself and Mr. W [REDACTED]. Mr. W [REDACTED] also stated that they have a good relationship and work well as a team. Mr. W [REDACTED] feels that they communicate well with each other and understand each other. Mr. W [REDACTED] and Ms. W [REDACTED] indicated that

Ms. M [REDACTED] is an overall easy-going person but does not like to make decisions and will often have others make plans or make decisions for her.

Ms. M [REDACTED] informed she was raised in an adoptive family and her father was a psychiatrist. She said he was not kind to her and they had a poor relationship. Ms. M [REDACTED] informed he had passed and although she has a relationship with her adoptive mother, she does not have any other relatives to speak with.

Ms. M [REDACTED] said she does not discipline her children but that she has Mr. W [REDACTED] do the disciplining. She said she is focused more on the little ones and ensuring they follow rules and allows them to earn four to five dollars when being good. With punishments, she said there is no hitting as they do not do much of anything wrong. She will have to repeat herself and tell them to put things away. She denied the use of belts, instruments or hitting and said when asking for clarification that she will hit the girls with her hand to their hand if needed. Mr. W [REDACTED] did indicate that Ms. M [REDACTED] prefers for him to discipline the children because they respond to him better. He stated that he does tell them that they have to listen to Ms. M [REDACTED] as well and the family rarely has issues with this.

E [REDACTED] M [REDACTED]:

11-13-17 Screen out: C [REDACTED] said that when his father hits him the other adults in the home turn a blind eye. This past weekend the father asked his girlfriend B [REDACTED] M [REDACTED] to hit C [REDACTED]. She reportedly did hit C [REDACTED]. Earlier this school year C [REDACTED] said that he is afraid to go home. Today C [REDACTED] told the caller, I am not going home and he is very adamant about not going home. He divulged that he is acting up so that he can be removed from the home.

5-2-16 Unsubstantiated chronically ill child death.

5-22-15 Unsubstantiated Neglect: lack of supervision. It appears the 3 year old child has been burned by touching the iron on two separate occasions.

On 5/19/15 the child had a circular burn area on her upper bicep the size of a quarter and two months ago the child had a less than dime sized oval shaped burn on her left palm area.

5-24-13 Unsubstantiated neglect Neglect-A newborn and 1 year old were left in the Lad Lake parking lot alone, in the mother's vehicle with the windows rolled up. Another witness said the keys were in the ignition.

1-14-14 CWO The paternal grandmother of (C [REDACTED] M [REDACTED]) wants to obtain legal guardianship of her but she was told by Milwaukee county children's court that she first needs to have BMCW conduct a home study on her. The parental grandmother said that the mother (B [REDACTED] M [REDACTED]) is letting C [REDACTED] live with a paternal grandmother of another one of B [REDACTED]'s children and C [REDACTED]'s paternal grandmother is not allowed to see C [REDACTED] so she wants C [REDACTED] to live with her.

13. Justification for Recommendations at hearing (i.e. Why continuing/discontinuing TPC? How does information gathered between the date of taking TPC and the TPC hearing support the continuance/discontinuance of TPC? Frequency and type of family contact between the TPC hearing and the next hearing?)
DMCPS tried to coordinate with Ms. M [REDACTED] in regards to her children's safety and follow through is minimal. DV is present, active and the family is under a great amount of stress. There is serious concern to the children's safety due to the mother's potential to return to Mr. W [REDACTED].
14. Next steps recommended for inclusion in the order (i.e. Any immediate child/family needs that must be addressed; continued information gathering by Bureau; and cooperation by family with next steps)
To keep the children safe as Ms. M [REDACTED] explores options for her safety and children's well-being. She wishes for her address to remain unknown at this time.
15. List all witnesses and information they will provide, including records or pictures available; e.g., hospital, doctor, school, etc.
DMCPS, CHW CAC Medical records and interview of C [REDACTED] and H [REDACTED]. Police investigation is ongoing and Sensitive Crimes are involved due to pending criminal charges.
16. What is your plan at this time?
To keep the children safe as Ms. M [REDACTED] explores options for her safety and children's well-being.

ii. Signatures

Rebecca L. McFadden

Name - Worker

[Handwritten Signature]
SIGNATURE - Worker

3/16/18
Date Signed

Erica Wright

Name - Supervisor

[Handwritten Signature]
SIGNATURE - Supervisor

3/16/18
Date Signed



STATE OF WISCONSIN }
MILWAUKEE COUNTY } SS.

I, the undersigned Clerk of the Circuit Court of Milwaukee County, Wisconsin do hereby certify that I have compared this document with the original on file and that the same is a full, true and correct copy of said original and of the whole thereof, as the same remains of record in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said court, this 4/19/2021 date

[Handwritten Signature]

JOHN BARRETT
Clerk of Circuit Court/Register in Probate

C■■■■ is observed to be a quiet and reserved child who is polite and respectful to others. C■■■■ is described by her mother as calm and easy to keep happy. She enjoys playing with her sister and watching TV/cartoons. Ms. M■■■■ described C■■■■ as intelligent and helpful around the home. She appears to have an independent personality. C■■■■ has been involved in school activities and was selected to sing a solo for one of her school performances. She has also learned to ride her bike without training wheels. She is talented in art and enjoys engaging in art based activities.

C■■■■ was previously in therapy with Children's Wisconsin at the time of TPC. No mental health needs were noted and C■■■■ was discharged from therapy at that time. C■■■■ generally seems to internalize her feelings and will show emotions through tears on occasion. Therapy will likely be resumed in the future to help mitigate mental health concerns as challenges present in C■■■■'s future and to provide her support and assistance to build her skill to cope with challenges that present.

II. Statement of Facts Supporting the Need for Termination

CHIPS History:

1. C■■■■ M■■■■ was found to be a child in need of protection or services on 05/02/2018 by the Honorable Gwendolyn Connolly, Milwaukee County Circuit Court, Children's Division, and based upon that finding on 09/18/2018 the Honorable Gwendolyn Connolly, Milwaukee County Circuit Court, Children's Division, entered a dispositional order placing the child outside the home of a parent in a placement approved by the DMCPs.
2. The dispositional order expires on 03/07/2020.
3. Since C■■■■ was detained by the DMCPs, during the pendency of the dispositional order, she has remained placed continuously outside a parental home.
4. The dispositional order has been reduced to writing and includes written warnings regarding possible termination of parental rights, pursuant to sec. 48.356, Wis. Stats.

Grounds as To Mother:

Grounds exist to involuntarily terminate the parental rights of the mother, B■■■■ M■■■■ to the child, C■■■■ in that:

1. Continuing CHIPS: C■■■■ remains a child in continuing need of protection or services pursuant to Wis. Stats. sec. 48.415(2). The dispositional order, supra, contained numerous conditions to be met by the parents prior to the return of the child to the home, toward which end the DMCPs has made reasonable efforts to provide appropriate services to B■■■■ M■■■■ This notwithstanding, the mother has failed to meet the conditions and goals established for the return of the child to her home.

Specifically:

- a. The parent has failed to meet Condition 1 as it states: "Control your drug or alcohol addiction." The mother completed an AODA assessment in October, 2018. Outpatient therapy and a psychological evaluation were recommended. The mother was scheduled to attend weekly therapy, however, she was discharged due to non-compliance.
- b. The parent has failed to meet Condition 2 as it states: "Understand how your drug/alcohol addiction affects your child." The mother was discharged from AODA therapy due to non-compliance. During a visit with her children, there was concern that the mother appeared to be under the influence.
- c. The parent has failed to meet Condition 3 as it states: "Control your mental health." The mother was referred for a psychological evaluation in November, 2018. The mother missed her appointment and it was rescheduled and completed in January, 2019. The mother has been diagnosed with depression, post traumatic stress disorder, and anxiety in part due to her own experience growing up in foster care. It was recommended that the mother complete a psychiatric evaluation for medication management and psychotherapy to focus on trauma, developing effective coping strategies, and domestic violence programming. The mother has been referred for services at Milwaukee County Behavioral Health Division, Community Access to Recovery Services, and Comprehensive Community Services. She still has not completed services. In March, 2019 the mother attempted suicide by placing a belt around her neck. She was taken to Behavioral Health and released with recommendations for weekly therapy, day treatment and/or partial hospitalization. The mother is not engaged in services and does not want to take medication. She is currently pregnant with her sixth child.
- d. The parent has failed to meet Condition 6 as it states: "Do not allow violence in your home or in front of your children." The mother has a long history of being in domestic violence relationships with the fathers of her children. Her older children were removed due to physical abuse and violence in the home. The mother reportedly had started domestic violence counseling but never completed it. In May, 2019 the mother filed a restraining order against M■■■■ E■■■■ who is the father of one of her children stating that he restrained her against her will. When the family case manager asked her about the incident, the mother denied that there was any violence in the home.

- e. The parent has failed to meet Condition 7 as it states: "Always supervise your child and place your child's needs before your own." The mother's older children have witnessed domestic violence in the home and have been victims of abuse themselves. The mother has not acted in the role of a caregiver and protected her children. She has a history of leaving and then returning to relationships that are harmful to her children placing her own needs before those of her children.
- f. The parent has failed to meet Condition 8 as it states: "Have age appropriate expectations of your child." Although the mother eventually completed parenting classes, she did not complete them until nearly a year after her children were removed from her care and only after she was offered one-on-one classes. She has not made any behavioral changes and her visits remain supervised.
- g. The parent has failed to meet Condition 9 as it states: "Control your emotions." The mother completed a psychological evaluation which recommended trauma counseling and a psychiatric evaluation. She has yet to complete these conditions. In March, 2019 she attempted suicide by placing a belt around her neck.
- h. The parent has failed to meet the all-parent condition as it states: "Provide Safe Care for Your Child." The mother has a history of not protecting her children. She continues to engage in violent and unhealthy relationships with individuals. The mother has not met any of the court conditions of return. She has not made any behavioral changes to indicate that her children would be safe in her care.
- i. The parent has failed to meet the visitation condition as it states: "If Your Child is not Living with You, You Must Visit Your Child Regularly." The mother has been inconsistent in visitation with her child. She did not visit in June or July of 2019. When she does visit, she is not engaged and is described as short tempered. She has never been able to move beyond supervised visitation.
2. Failure to Assume Parental Responsibility: B [REDACTED] M [REDACTED] has failed to assume parental responsibility, as defined by Wis. Stats. sec. 48.415(6) as to the child. The mother has failed to establish a substantial parental relationship with the child, in that she has failed to come forward to accept and exercise significant responsibility for the daily supervision, education, protection and care of C [REDACTED].
- Specifically:
- a. The mother has 4 biological children. None of these children reside in her care. She had another child that died of unspecified circumstances. She is pregnant with her sixth child.
- b. The mother has a DMCPD history dating back to 2014.
- c. In May, 2013 there was a referral of a new born and a one year old being left alone in a parking lot with the keys in the ignition.
- d. In January, 2014 there was a referral regarding a relative trying to obtain guardianship of C [REDACTED].
- e. In May, 2015 there were concerns that the mother's three year old had been burned by touching a hot iron on 2 separate occasions.
- f. In May, 2016 the mother's child, K [REDACTED] died of unspecified circumstances.
- g. In March, 2018 DMCPD received a referral that the mother's significant other, C [REDACTED] W [REDACTED] had punched his 14 year old son. During the investigation the mother's child, H [REDACTED] also presented with a two inch bruise to her right cheek, a scratch on the side of her head, and a bruise to her head. The mother reported that when C [REDACTED] W [REDACTED] came home, he choked the child.
- h. C [REDACTED] also had an abrasion on her elbow and abrasions on her body inflicted by C [REDACTED] W [REDACTED].
- i. The mother attempted to leave C [REDACTED] W [REDACTED] after she learned that he had abused her children with a wooden spoon. She, however, eventually returned to the home.
- j. In March, 2018 due to the mother not being able to protect her children and exposing them to harm again, C [REDACTED] and her two siblings were taken into custody.
- k. Since C [REDACTED] came into care, the mother has made only sporadic attempts at meeting the court conditions of return. She also gave birth to another child that was also detained and is pregnant again.
- l. The child, C [REDACTED] M [REDACTED] has spent a substantial portion of her life in out-of-home care.
- Based on the foregoing, B [REDACTED] M [REDACTED] is not fit to be a parent to the above-named child. Upon consideration of the entire record in this case, termination of parental rights is warranted.

Grounds as to Father J [REDACTED] C [REDACTED]:

Grounds exist to involuntarily terminate the parental rights of the father, J [REDACTED] D. C [REDACTED] Jr., to the child, C [REDACTED] M [REDACTED] in that:

1. Continuing CHIPS: C [REDACTED] remains a child in continuing need of protection or services pursuant to Wis. Stats. sec. 48.415(2). The dispositional order, supra, contained numerous conditions to be met by the parents prior to the return of the child to the home, toward which end the DMCPD has made reasonable efforts to provide appropriate services to

J■■■■ D. C■■■■ Jr. This notwithstanding, the father has failed to meet the conditions and goals established for the return of the child to his home. Specifically:

- a. The parent has failed to meet Condition 4 as it states: "Commit no crimes." The father is currently at the Milwaukee Secure Detention Facility for violating his probation. He has been in and out of custody since at least May, 2014 for his criminal behaviors.
 - b. The parent has failed to meet Condition 5 as it states: "Resolve your criminal cases." The father has a history of criminality. He was listed in absconder status when C■■■■ was taken into custody in March, 2018. He was arrested in July and August of 2018 due to probation violations. He has been arrested on numerous other occasions. His criminal cases include possession of THC, receiving stolen property, bail jumping, disorderly conduct, armed robbery, probation violations, carrying a concealed weapon, and domestic violence. He was again taken into custody in July of 2019 for parole violations. He is currently at Milwaukee Secure Detention Facility.
 - c. The parent has failed to meet Condition 6 as it states: "Do not allow violence in your home or in front of your children." The father is currently incarcerated related to a domestic violence incident with his current girlfriend. The father has been referred to therapy and domestic violence counseling while out of custody, but did not attend.
 - d. The parent has failed to meet Condition 7 as it states: "Always supervise your child and place your child's needs before your own." The father has not completed any of the court conditions of return including visiting his child on a regular basis. He has continued to engage in criminal behaviors that have resulted in him being taken in to custody. He is currently in the Milwaukee Secure Detention Facility related to a domestic violence incident with his current girlfriend.
 - e. The parent has failed to meet Condition 8 as it states: "Have age appropriate expectations of your child." The father has not seen his child since January, 2019. Prior that that he had very little contact with his child. The father did attend a parenting assessment and started classes in July 2018, however, he was discharged after three consecutive classes for inconsistent attendance. The father has been in and out of custody and has not made himself available for services to be set up on his behalf.
 - f. The parent has failed to meet the all-parent condition as it states: "Provide Safe Care for Your Child." Reports indicate that the father has not provided care for his child. He was incarcerated when she was taken into custody and has been in and out custody since that time. He is currently in custody again. He has exhibited a pattern of behavior that indicates he could not safely care for child.
 - g. The parent has failed to meet the visitation condition as it states: "If Your Child is not Living with You, You Must Visit Your Child Regularly." The father has not visited the child since January 2019. Prior to that, he would drive by his mother's house where the child was placed and wave but did not stop to visit. The father is currently incarcerated and visits are not taking place.
2. Failure to Assume Parental Responsibility: The father has failed to assume parental responsibility, as defined by Wis. Stats. sec. 48.415(6) as to the child. The father has failed to establish a substantial parental relationship with the child, in that he has failed to come forward to accept and exercise significant responsibility for the daily supervision, education, protection and care of C■■■■ Specifically:
- a. On information and belief, the father has never lived with the child. He has had infrequent contact with the child over the years.
 - b. The father was incarcerated when the child was detained and has been in and out of custody the majority of the child's life.
 - c. The father was adjudicated by default in 2012. He has not provided for support of the child or acted in the role of a caregiver to the child.
 - d. The father has not attended services or programming in regard to the child.
 - e. Since the child was detained, he has not completed the court conditions or return. He is currently at Milwaukee Secure Detention Facility due to a domestic violence incident with his current girlfriend.
 - f. The child, C■■■■ has spent a substantial portion of her life in out-of-home care.
- Based on the foregoing, J■■■■ D. C■■■■ Jr. is not fit to be a parent to the above-named child. Upon consideration of the entire record in this case, termination of parental rights is warranted.

III. Agency Action, Services to the Family, and Their Response

At the time of the TPR Petition being filed on 11/06/2019 the following information summarizes the parents, Ms. M■■■■ and Mr. C■■■■s, service engagement and compliance based on referrals submitted by the DMCPS to provide opportunity for both parents to meet court ordered conditions of return outlined on the dispositional order for this case.

- a. The parent has failed to meet Condition 1 as it states: "Control your drug or alcohol addiction." The mother completed an AODA assessment in October, 2018. Outpatient therapy and a psychological evaluation were recommended. The mother was scheduled to attend weekly therapy, however, she was discharged due to non-compliance.

- b. The parent has failed to meet Condition 2 as it states: "Understand how your drug/alcohol addiction affects your child." The mother was discharged from AODA therapy due to non-compliance. During a visit with her children, there was concern that the mother appeared to be under the influence.
- c. The parent has failed to meet Condition 3 as it states: "Control your mental health." The mother was referred for a psychological evaluation in November, 2018. The mother missed her appointment and it was rescheduled and completed in January, 2019. The mother has been diagnosed with depression, post traumatic stress disorder, and anxiety in part due to her own experience growing up in foster care. It was recommended that the mother complete a psychiatric evaluation for medication management and psychotherapy to focus on trauma, developing effective coping strategies, and domestic violence programming. The mother has been referred for services at Milwaukee County Behavioral Health Division, Community Access to Recovery Services, and Comprehensive Community Services. She still has not completed services. In March, 2019 the mother attempted suicide by placing a belt around her neck. She was taken to Behavioral Health and released with recommendations for weekly therapy, day treatment and/or partial hospitalization. The mother is not engaged in services and does not want to take medication. She is currently pregnant with her sixth child.
- d. The parent has failed to meet Condition 6 as it states: "Do not allow violence in your home or in front of your children." The mother has a long history of being in domestic violence relationships with the fathers of her children. Her older children were removed due to physical abuse and violence in the home. The mother reportedly had started domestic violence counseling but never completed it. In May, 2019 the mother filed a restraining order against M■■■■ E■■■■ who is the father of one of her children stating that he restrained her against her will. When the family case manager asked her about the incident, the mother denied that there was any violence in the home.
- e. The parent has failed to meet Condition 7 as it states: "Always supervise your child and place your child's needs before your own." The mother's older children have witnessed domestic violence in the home and have been victims of abuse themselves. The mother has not acted in the role of a caregiver and protected her children. She has a history of leaving and then returning to relationships that are harmful to her children placing her own needs before those of her children.
- f. The parent has failed to meet Condition 8 as it states: "Have age appropriate expectations of your child." Although the mother eventually completed parenting classes, she did not complete them until nearly a year after her children were removed from her care and only after she was offered one-on-one classes. She has not made any behavioral changes and her visits remain supervised.
- g. The parent has failed to meet Condition 9 as it states: "Control your emotions." The mother completed a psychological evaluation which recommended trauma counseling and a psychiatric evaluation. She has yet to complete these conditions. In March, 2019 she attempted suicide by placing a belt around her neck.
- h. The parent has failed to meet the all-parent condition as it states: "Provide Safe Care for Your Child." The mother has a history of not protecting her children. She continues to engage in violent and unhealthy relationships with individuals. The mother has not met any of the court conditions of return. She has not made any behavioral changes to indicate that her children would be safe in her care.
- i. The parent has failed to meet the visitation condition as it states: "If Your Child is not Living with You, You Must Visit Your Child Regularly." The mother has been inconsistent in visitation with her child. She did not visit in June or July of 2019. When she does visit, she is not engaged and is described as short tempered. She has never been able to move beyond supervised visitation.
- a. The parent has failed to meet Condition 4 as it states: "Commit no crimes." The father is currently at the Milwaukee Secure Detention Facility for violating his probation. He has been in and out of custody since at least May, 2014 for his criminal behaviors.
- b. The parent has failed to meet Condition 5 as it states: "Resolve your criminal cases." The father has a history of criminality. He was listed in absconder status when C■■■■ was taken into custody in March, 2018. He was arrested in July and August of 2018 due to probation violations. He has been arrested on numerous other occasions. His criminal cases include possession of THC, receiving stolen property, bail jumping, disorderly conduct, armed robbery, probation violations, carrying a concealed weapon, and domestic violence. He was again taken into custody in July of 2019 for parole violations. He is currently at Milwaukee Secure Detention Facility.
- c. The parent has failed to meet Condition 6 as it states: "Do not allow violence in your home or in front of your children." The father is currently incarcerated related to a domestic violence incident with his current girlfriend. The father has been referred to therapy and domestic violence counseling while out of custody, but did not attend.
- d. The parent has failed to meet Condition 7 as it states: "Always supervise your child and place your child's needs before your own." The father has not completed any of the court conditions of return including visiting his child on a regular basis. He has continued to engage in criminal behaviors that have resulted in him being taken in to custody. He is

currently in the Milwaukee Secure Detention Facility related to a domestic violence incident with his current girlfriend. e. The parent has failed to meet Condition 8 as it states: "Have age appropriate expectations of your child." The father has not seen his child since January, 2019. Prior that that he had very little contact with his child. The father did attend a parenting assessment and started classes in July 2018, however, he was discharged after three consecutive classes for inconsistent attendance. The father has been in and out of custody and has not made himself available for services to be set up on his behalf.

f. The parent has failed to meet the all-parent condition as it states: "Provide Safe Care for Your Child." Reports indicate that the father has not provided care for his child. He was incarcerated when she was taken into custody and has been in and out custody since that time. He is currently in custody again. He has exhibited a pattern of behavior that indicates he could not safely care for child.

g. The parent has failed to meet the visitation condition as it states: "If Your Child is not Living with You, You Must Visit Your Child Regularly." The father has not visited the child since January 2019. Prior to that, he would drive by his mother's house where the child was placed and wave but did not stop to visit. The father is currently incarcerated and visits are not taking place.

IV. Services Which Could, if Utilized, Allow the Child to Return to the Parent

Ms. M■■■■■■s engagement in court ordered services to meet conditions of return has been minimal and sporadic over the lifetime of this case. Ms. M■■■■■■s pattern per history is to take a prolonged period of time to start a service, engage for a short period of time and then become inconsistent taking an extended time to complete the service or being discharged for non-compliance due to her lack of attendance/participation. DMCPs would be seeking Ms. M■■■■■■s commitment and consistency in court ordered services to make the necessary behavioral change to allow for her to be a safe and protective parent to her minor children. Ms. M■■■■■■ would also need to demonstrate consistency in meeting her own mental health needs to manage her own personal needs and AODA concerns to allow for her to safely parent her minor children. Additionally, Ms. M■■■■■■ would need to demonstrate that she is able to place her children's needs before her own ensuring that the children are cared for during all times and in the care of a safe and protective adult.

Mr. C■■■■■■ would need to be available to allow for him to provide cares to his minor daughter. Throughout the lifetime of this case Mr. C■■■■■■ has been in and out of custody making himself limited in his availability to care for a child. Mr. C■■■■■■ has been sporadic in his engagement and has been absent most often generally during his periods he is out of custody. Mr. C■■■■■■ has not engaged in court ordered services to meet conditions of return despite service referrals made by DMCPs to allow opportunity for him to meet the conditions of return outlined on the dispositional order.

V. Standards and Factors Under Wisconsin Statute s. 48.426(2) and (3)

A termination of parental rights would be in the best interest of C■■■■■■ M■■■■■■. A TPR would provide permanency and stability for C■■■■■■.

C■■■■■■s parent(s) have shown little progress in court ordered services offered through case management to provide the parent(s) the ability to make the behavioral changes necessary to allow for C■■■■■■ to be safely reunified to their care. Ms. M■■■■■■ has been sporadic in her involvement with services demonstrating inconsistency in progress and ultimately in her reliability and commitment to be a safe and stable parent to C■■■■■■. Mr. C■■■■■■ has also been sporadic in his contact with C■■■■■■ due to his frequent incarcerations throughout the duration of this case. Mr. C■■■■■■ engaged in some services at a minimal level for short periods of time although did not make the progress to be safe and reliable to provide cares for C■■■■■■ on an ongoing and consistent basis.

In regards to Wisconsin Statute s. 48.426(3)

- a. M■■■■■■ and K■■■■■■ S■■■■■■ would be the adoptive resource for C■■■■■■. C■■■■■■ is currently placed with the S■■■■■■s who intend to provide C■■■■■■ permanency through adoption should TPR occur.
- b. C■■■■■■ has been in out of home care for a significant period within her life with her removal and placement in out of home care beginning 03/19/2018 and continuing to date. C■■■■■■ was 6 years old at the time of TPC and is currently 9 years old.
- c. C■■■■■■ has a relationship with both her mother and father that continues through visitation. Ms. M■■■■■■ has twice weekly visits at this time. Mr. C■■■■■■ contact has been sporadic and inconsistent for the duration of this case. C■■■■■■s strongest relationships are with her extended paternal family members who she visits on a routine and consistent basis. C■■■■■■ continues her contact and relationship with her paternal relatives as coordinated between the S■■■■■■s and C■■■■■■s family. FCM does feel that severing C■■■■■■s relationships with her paternal family would be detrimental to C■■■■■■. However, the S■■■■■■s who are the adoptive resource have plans to continue their connection and

contact with C [redacted] with her paternal family post TPR. In addition the S [redacted]s have vocalized their plan to maintain connection for C [redacted] to both Ms. M [redacted] and Mr. C [redacted] following TPR.

d. C [redacted] does not currently express her thoughts surrounding adoption.

e. C [redacted] continues her visits with Ms. M [redacted] twice weekly at this time. Mr. C [redacted] has not had routine and consistent contact with C [redacted] for the duration of the CHIPS and TPR case. He has sporadically had contact with C [redacted] and this sporadic contact continues at this time.

f. A TPR would grant permanency and stability for C [redacted]. C [redacted]s current placement is her adoptive resource who speaks of their plan to be the adoptive and permanent resource for C [redacted] should TPR occur. The S [redacted]s also have placement of C [redacted]s siblings (M [redacted], F [redacted] and A [redacted]) who they are also the adoptive resource for.

VI. Recommendation and Future Plan

The DMCPs recommends the termination of parental rights be granted. The DMCPs is willing to assume guardianship post termination of parental rights for this child until adoption should occur.

VII. Signatures

Lauren Miller

Name - Worker

SIGNATURE - Worker

Date Signed

Kimberly Mertes

Name - Supervisor

SIGNATURE - Supervisor

Date Signed

FILED
10-29-2021
John Barrett
Clerk of Circuit Court
2019TP000225

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 6

MILWAUKEE COUNTY

IN THE INTEREST OF

H [REDACTED] J [REDACTED],
M [REDACTED] W [REDACTED],
C [REDACTED] M [REDACTED].

Case No. 19 TP 65
19 TP 64
19 TP 225

CHILDREN UNDER THE AGE OF 18.

PROCEEDINGS: Disposition Hearing

DATE: Thursday, April 22, 2021

BEFORE: THE HONORABLE ELLEN R. BROSTROM,
Milwaukee County Circuit Court Judge

APPEARANCES: CHARLES KREGER,
Appeared on behalf of the State;

JULIAN LACERA,
Appeared as Guardian ad Litem for the Minor
Children;

LAUREN MILLER,
Appeared as Family Case Manager;

CHERYL WARD,
Attorney at Law, appeared on behalf of the
mother, B [REDACTED] M [REDACTED], who also
appeared;

DUKE LEHTO,
Attorney at Law, appeared on behalf of the
father, C [REDACTED] W [REDACTED];

MICHAEL HOLZMAN,
Attorney at Law, appeared on behalf of the
father, J [REDACTED] C [REDACTED];

DEBORAH STRIGENZ,
Attorney at Law, appeared on behalf of the
father, C [REDACTED] J [REDACTED];

**ALYCIA BEIN-RPR
OFFICIAL COURT REPORTER**

I N D E X

WITNESS (s) **PAGE (S)**

LAUREN MILLER

Direct Examination by MR. KREGER.....	6
Cross-Examination by MR. LEHTO.....	35
Redirect Examination by MR. KREGER.....	47

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
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No exhibits marked on the record.

1 THE CLERK: Calling case numbers 19 TP 64, 19
2 TP 65, and 19 TP 225; In the Interest of the J [REDACTED],
3 W [REDACTED], and M [REDACTED] children. Appearances.

4 MR. KREGER: Charles Kreger appearing on
5 behalf of the State.

6 MS. MILLER: Lauren Miller, family case
7 manager.

8 MR. LACERA: Julian Lacera, Guardian ad
9 Litem.

10 MR. HOLZMAN: Attorney Michael Holzman on
11 behalf of the father of C [REDACTED] M [REDACTED], J [REDACTED] C [REDACTED].
12 He's present in court.

13 THE COURT: Mr. Holzman, the folks on Zoom
14 and the court reporter won't be able to hear you if that
15 microphone isn't used. You have to be pretty close to
16 it, and the light has to be lit up. Could you make your
17 appearance again?

18 MR. HOLZMAN: Michael--

19 THE COURT: --Not good enough.

20 MR. HOLZMAN: Michael Holzman, attorney for
21 J [REDACTED] C [REDACTED], the father of C [REDACTED] M [REDACTED]. Good
22 morning, Your Honor.

23 THE COURT: Thank you so much. Ms. Ward?

24 MS. WARD: Attorney Cheryl Ward appears on
25 behalf of the mother, B [REDACTED] M [REDACTED], who also

1 appears.

2 THE COURT: Thank you. Ms. Strigenz?

3 MS. STRIGENZ: Attorney Deborah Strigenz
4 appearing on behalf of C [REDACTED] J [REDACTED]. He's the father
5 of H [REDACTED] J [REDACTED].

6 THE COURT: Mr. W [REDACTED], were you able to
7 hear Ms. Strigenz? Thumbs-up or thumbs-down.

8 MR. W [REDACTED]: **(Indicating Thumbs-Down)**

9 THE COURT: Really use the microphone.

10 MS. STRIGENZ: Attorney Deborah Strigenz in
11 person appearing on behalf of the father, C [REDACTED]
12 J [REDACTED], who is also in person. He is the father of
13 H [REDACTED] J [REDACTED].

14 THE COURT: Great, thank you. How was that,
15 Mr. W [REDACTED]?

16 MR. W [REDACTED]: **(Indicating Thumbs-Up)**

17 THE COURT: Thank you. Mr. Lehto?

18 MR. LEHTO: Duke Lehto appears on behalf of
19 C [REDACTED] W [REDACTED], who is appearing by Zoom.

20 THE COURT: Good morning. We are here to
21 begin disposition. The record should also reflect that
22 Samantha Kohnert, who is the very recently assigned case
23 manager in this case, is also present by Zoom. She's
24 just observing.

25 So, any housekeeping matters before the

1 State calls its first witness?

2 MR. KREGER: Not from the State, Your Honor.

3 MR. HOLZMAN: No, Your Honor.

4 MS. WARD: No, Judge.

5 MR. LEHTO: No.

6 MR. LACERA: No.

7 THE COURT: Thank you. Who would you call,
8 Mr. Kreger?

9 MR. KREGER: The State would call Lauren
10 Miller.

11 THE COURT: Thank you. Do you solemnly
12 swear or affirm that the testimony you're about to give
13 shall be the truth, the whole truth, and nothing but the
14 truth so help you God; or, upon pain of penalty of
15 perjury?

16 MS. MILLER: I do.

17 THE COURT: Thanks. Have a seat. Ms.
18 Miller, from the trial I know you're aware to use the
19 microphone. It's doubly important for Mr. W██████████. He
20 won't have any ability to hear you. If you could go
21 ahead and state and spell your name, and then
22 Mr. Kreger, you can go ahead.

23 MS. MILLER: Yes. My name is Lauren Miller;
24 L-A-U-R-E-N, M-I-L-L-E-R.

25 THE COURT: Mr. W██████████, did you hear Ms.

1 Miller state her name?

2 MR. W██████████: No, I didn't.

3 THE COURT: Okay. You really got to use
4 that microphone. Let's try again.

5 MS. MILLER: Lauren Miller; L-A-U-R-E-N,
6 M-I-L-L-E-R.

7 THE COURT: How was that?

8 MR. W██████████: **(Indicating Thumbs-Up)**

9 THE COURT: Excellent. Go ahead, Mr.
10 Kreger.

11 MR. KREGER: Your Honor, I just wanted to
12 note that it's my understanding we still need to do the
13 prove-up for each father at this point.

14 THE COURT: Thank you. You are correct. We
15 need to begin with that.

16 MR. KREGER: Okay. I'm going to ask the Court
17 to take judicial notice of the certified docket, the
18 temporary physical custody, the CHIPS petitions, and the
19 dispositional order in cases 18 JC 207, 18 JC 208, and
20 18 JC 206.

21 THE COURT: Yes. The Court will take
22 judicial notice of those official certified court
23 documents. Go ahead.

24 MR. KREGER: Thank you.

25 **DIRECT EXAMINATION**

1 BY MR. KREGGER:

2 Q. Ms. Miller, where are you employed?

3 A. Children's Wisconsin.

4 Q. And how long have you been employed there?

5 A. About three and a half years.

6 Q. And what is your position there?

7 A. My current position is child and family
8 therapist.

9 Q. And did you have a previous position?

10 A. Yes.

11 Q. What was your previous position?

12 A. Family case manager.

13 Q. And when did you stop that role?

14 A. Last week Friday.

15 Q. Were you the case manager for H [REDACTED] J [REDACTED],
16 born March 27th, 2013; M [REDACTED] W [REDACTED], born October
17 30th, 2017; C [REDACTED] M [REDACTED], born January 31st, 2012?

18 A. Yes, I was.

19 Q. And is M [REDACTED]'s father C [REDACTED] W [REDACTED]?

20 A. Yes.

21 Q. And is H [REDACTED]'s father C [REDACTED] J [REDACTED]?

22 A. Yes.

23 Q. And is C [REDACTED] M [REDACTED]'s father J [REDACTED] C [REDACTED]?

24 A. Yes.

25 Q. I will just start with Mr. C [REDACTED]. Has Mr. C [REDACTED]

1 been adjudicated as C [REDACTED]'s father?

2 A. Yes, he has.

3 Q. And as the case manager in this case, are you
4 familiar with all the records in this case?

5 A. Yes, I am.

6 Q. And are any of the girls subject to the Indian
7 Child Welfare Act?

8 A. No, they are not.

9 Q. Was there a dispositional order put in place as
10 to each of the girls on September 18th, 2018?

11 A. Yes.

12 Q. Has Mr. C [REDACTED], as it pertains to C [REDACTED],
13 stepped up and exercised responsibility for C [REDACTED]'s
14 daily supervision, education, protection, or provided
15 financial support for her?

16 A. No.

17 Q. And can you explain your answer, please?

18 A. Yes. Mr. C [REDACTED]' involvement has been engaging
19 with C [REDACTED], most often by phone. Throughout the
20 duration of this case, he's been in custody, both
21 on-and-off. My rough estimate would probably be about 50
22 to 60 percent of this case he's been in custody and
23 unable to provide those needs for C [REDACTED]. He has
24 remained in touch with her by phone, sending letters and
25 pictures, things of that nature, to maintain his

1 relationship with her.

2 Q. Has Mr. C [REDACTED] provided day-to-day care for
3 C [REDACTED] in any significant way?

4 A. No.

5 Q. Do you know when the last time that Mr. C [REDACTED]
6 resided with C [REDACTED] would have been?

7 A. I'm sorry, the last time that he resided with
8 C [REDACTED]?

9 Q. Yes.

10 A. Not--I don't know. To my knowledge, prior to the
11 case C [REDACTED] was living with Ms. M [REDACTED], and
12 Mr. C [REDACTED]s was not residing with them at that time.

13 Q. How much is known about C [REDACTED]'s life before
14 she was removed?

15 A. A very small amount. What I do know is that prior
16 to her removal, she was living with Ms. M [REDACTED] and her
17 then husband, Mr. W [REDACTED]. Prior to that time,
18 C [REDACTED]'s grandmother, L [REDACTED] R [REDACTED], had a
19 private guardianship of C [REDACTED] for a period of time.
20 Ms. R [REDACTED] also spoke to providing care and
21 supervision, babysitting, and engaging with C [REDACTED]
22 during her early childhood as well.

23 Q. I guess during the time that C [REDACTED] was
24 living with her mother, Ms. M [REDACTED], was there domestic
25 violence going on, according to Ms. M [REDACTED], every other

1 day during that time?

2 A. Yes.

3 Q. Again, per Ms. M [REDACTED], was Ms. M [REDACTED] and
4 Mr. W [REDACTED] using Percocet daily during that time?

5 A. Yes.

6 Q. When was Mr. C [REDACTED] last visit with C [REDACTED]?

7 A. His last in person visit would have been early
8 2020. During the time of COVID, he was visiting by
9 phone. He had been--he was open that he didn't want
10 C [REDACTED] to see him in custody, so he didn't want to
11 have virtual visits just for fear of how that would
12 impact her and her psychological well-being. He engaged
13 with her by phone.

14 He was then released in--he was out of custody in
15 June, and we had scheduled in person visits at that
16 time, to which he did not attend, and then he went back
17 into custody in July of 2020. He had maintained phone
18 contact until his release in January, and since then, to
19 my knowledge, it's been by phone.

20 Q. Does he--is he consistent with having phone
21 visits with C [REDACTED]?

22 A. I would say he's consistent in phone visits and
23 letters, yes.

24 Q. Have you made an attempt to provide Mr. C [REDACTED]
25 with services during this case?

1 A. Yes, I have.

2 Q. What services have you attempted to provide?

3 A. We had referred him for domestic violence
4 services, a psychological evaluation, individual
5 therapy, visitation, home management, case management.
6 I believe that covers everything if I remember
7 correctly.

8 Q. Did Mr. C [REDACTED] engage in those services?

9 A. Not while outside of custody. He did engage in
10 courses available to him while he was in custody, to
11 complete some courses in custody and obtain
12 certificates.

13 Q. What safety concerns are there regarding
14 Mr. C [REDACTED]?

15 A. The biggest safety concern with Mr. C [REDACTED] is his
16 inconsistency, so that lack of motivation to be
17 consistently present for C [REDACTED] and to exercise
18 basic care and supervision to meet her daily needs.

19 Q. Does Mr. C [REDACTED] attend doctor's appointments for
20 C [REDACTED]?

21 A. He has not during this case, no.

22 Q. Would that have been something that he would have
23 been able to do during this case?

24 A. When he was out of custody, yes.

25 Q. Has he been engaged in C [REDACTED]'s schooling at

1 all, or education?

2 A. I believe he went to one concert that she had at
3 a school. She was in a play or concert of some sort that
4 he had attended, but not her day-to-day education.

5 Q. Do you know of any good reason for the lack of
6 participation in C [REDACTED]'s life?

7 A. No, I do not.

8 MR. KREGER: I have no further questions as
9 it pertains to Mr. C [REDACTED].

10 THE COURT: Okay. I feel like you're not
11 using the microphone consistently.

12 MR. KREGER: Oh, sorry.

13 THE COURT: Thank you. Go ahead.

14 BY MR. KREGER:

15 Q. With that, I will move to Mr. J [REDACTED]. There was
16 a dispositional order put in place that pertains to
17 Mr. J [REDACTED] regarding H [REDACTED], is that correct?

18 A. Yes.

19 Q. Was condition one of that order "control your
20 drug or alcohol addiction"?

21 A. Yes.

22 Q. Has Mr. J [REDACTED] complied with that condition?

23 A. No.

24 MR. J [REDACTED]: Yes.

25 Q. Why do you say he hasn't complied with that

1 condition?

2 A. He has not completed his AODA assessment to-date
3 through the referral from our agency. He did report that
4 he had to complete an AODA assessment. Within the past,
5 I would say, about six months he was taken in custody in
6 relation to a traffic stop, and he had said that he had
7 completed an assessment at that time with IMPACT. He did
8 give me the paperwork to show the appointment, but,
9 unfortunately, I do not have the release from him signed
10 to verify the assessment being completed and obtain the
11 recommendations.

12 Q. I guess what efforts have you made, I know you
13 just talked about them a little bit, but what efforts
14 have you made to help Mr. J [REDACTED] comply with that
15 condition?

16 A. Absolutely. There's been a referral for
17 Professional Services Group in place at least since the
18 dispositional order, possibly earlier than that. I don't
19 recall the exact date. I have had numerous conversations
20 with him about completing that assessment in regards to
21 this case.

22 Q. Is condition two "understand how your drug or
23 alcohol condition affects your child"?

24 A. Yes.

25 Q. Is Mr. J [REDACTED] in compliance with that condition?

1 A. No.

2 Q. And why do you say he's not in compliance with
3 that condition?

4 A. I would say in conjunction with not completing
5 the AODA assessment, we don't have a good understanding
6 of what the drug and alcohol concerns may be for him to
7 then complete any follow-up work, if there is
8 recommendations, for him to be able to understand how
9 his drug or alcohol addiction affects his child.

10 Q. Is condition five "resolve your criminal cases"?

11 A. Yes.

12 Q. And was Mr. J [REDACTED] in compliance with that
13 condition?

14 A. I would say overall, yes. There has been, like I
15 said, there was a new one in regards to a traffic stop
16 within the last six months that I unfortunately don't
17 have a lot of details about.

18 He said that he was taken into custody on a
19 warrant at that time, and I know throughout this case
20 there has been, since the TPR was filed, there was a
21 warrant in another county that had been issued in terms
22 of taking care of that. Overall, I'm not aware of any
23 new crimes or issues with previous cases.

24 Q. At the time that the TPR petition was filed for
25 H [REDACTED], was there an active bench warrant for

1 Mr. J [REDACTED] failing to appear for a judgment regarding a
2 citation for designated offender registry?

3 A. Yes. I believe that was out of Ozaukee County.

4 Q. Is condition six "do not allow violence in your
5 home or in front of your child"?

6 A. Yes.

7 Q. And is Mr. J [REDACTED] in compliance with that
8 condition?

9 A. I would say some, but not all. There hasn't been
10 any issue about him having any sort of violence in his
11 supervised visits. I have been to his home. I would say
12 back in November of 2020, when he wanted to move visits
13 in-home, and at that time S [REDACTED] W [REDACTED] was residing
14 there. H [REDACTED] was previously placed with her, and
15 unfortunately H [REDACTED] had an emergency removal because
16 of the physical abuse in the home of S [REDACTED] W [REDACTED]
17 and the abuse that occurred from that individual.

18 Q. And has Mr. J [REDACTED] been referred to domestic
19 violence services or treatment?

20 A. Yes, he has.

21 Q. At the time that the petition was filed for
22 H [REDACTED], did Mr. J [REDACTED] complete those?

23 A. No.

24 Q. Has he completed them as of today?

25 A. As of today, no. He has sporadically attended the

1 Alma Center, but reported his difficulty being in that
2 setting or group because he felt that he knew more or
3 had more knowledge than some of the participants in his
4 group. We had talked about him doing Batterers
5 Intervention, and provided that resource to him. We had
6 talked about the difficulty with that because he would
7 be starting from square one and that also being a
8 six-month program. He has not engaged in Batterers
9 Intervention, nor has he completed services with the
10 Alma Center.

11 Q. Is condition seven "always supervise your child
12 and place your child's needs before your own"?

13 A. Yes.

14 Q. And has Mr. J [REDACTED] complied with that condition?

15 A. No.

16 Q. And why would you say that he hasn't complied
17 with that condition?

18 A. I think the greatest difficulty with this one is
19 that Mr. J [REDACTED] has been inconsistent with his visits;
20 and so, H [REDACTED]'s needs have not come first. H [REDACTED]
21 has had numerous of times that she's been disappointed
22 when Mr. J [REDACTED] is not there for a visit or is a
23 no-call or no-show; or, periods of time that he has been
24 absent and then she inquires where her dad is, so
25 H [REDACTED] unfortunately has had many times where

1 Mr. J [REDACTED] has not been there to put her needs first.

2 Q. Is there a condition eight to "have
3 age-appropriate expectations of your child"?

4 A. Yes.

5 Q. Has Mr. J [REDACTED] complied with that condition?

6 A. I would say some, but not all. He's currently in
7 his third attempt through the Parenting Network to
8 complete parenting classes. He had also been enrolled
9 through Children's for parenting classes at the onset of
10 this case, and unfortunately has not been successful in
11 completing that to really understand age-appropriate
12 expectations of H [REDACTED].

13 Q. Is there a condition of "provide safe care for
14 your child"?

15 A. Yes.

16 Q. Is Mr. J [REDACTED] in compliance with that condition?

17 A. No.

18 Q. And why do you say that he's not in compliance
19 with that condition?

20 A. I would speak to the conjunction of not putting
21 H [REDACTED]'s needs first. She has some exceptional needs,
22 specifically with regard to her mental health, and
23 Mr. J [REDACTED], despite having the information for her
24 providers and her treatment team, has not engaged in
25 conversations with those parties, nor has he been

1 present to provide safe care for her because of his
2 inconsistency and involvement.

3 Q. Was Mr. J [REDACTED] ordered to complete a
4 psychological evaluation?

5 A. Yes, he was.

6 Q. Has he before referred to that?

7 A. Yes, he was.

8 Q. Did he complete that evaluation?

9 A. Yes, he did.

10 Q. When did he complete it?

11 A. I apologize, I don't recall the date. I believe
12 it was sometime in 2019.

13 Q. At the time H [REDACTED]'s petition was filed, had he
14 completed the psychological evaluation?

15 A. Because I don't know the date off-hand, I can't
16 say for sure.

17 Q. Is there a condition, a visitation condition, "if
18 your child is not living with you, you must visit your
19 child regularly"?

20 A. Yes.

21 Q. And is Mr. J [REDACTED] in compliance with that
22 condition?

23 A. At times, yes, and at other times, no.

24 Q. And at the time that he has been not in
25 compliance of that condition, can you explain that to

1 me?

2 A. Yes. There was a period of about six months that
3 Mr. J [REDACTED] abruptly relocated to Arkansas and had not
4 been engaged in visitation. He did come back once at the
5 beginning of his move, I believe about two weeks later,
6 and had wanted a visit and then did not come back for
7 visits with his daughter until about six months later.
8 During that time, he was not engaged in phone calls with
9 his daughter.

10 For visitation, um, he's worked with numerous
11 agencies. He's worked with MAPS. He's worked with
12 Children's Family Support Program. He's currently
13 working with Lad Lake, and he has been discharged from a
14 variety of these agencies due to his inconsistency where
15 he is not showing up and participating in visits, and
16 then goes a period of time without visits before he then
17 asks for visits again.

18 Visits are then set up. He's been usually
19 consistent for a brief period of time. I would say his
20 longest stretch of consistency is about six months in
21 time, and then he will become busy for whatever the
22 reason and stop engaging, and then we kind of repeat
23 that pattern.

24 Q. I just want to move on to the failure to assume
25 ground as it relates to Mr. J [REDACTED]. Has Mr. J [REDACTED]

1 accepted and exercised responsibility for the daily
2 supervision, education, protection, or provided
3 financial support for H[REDACTED]?

4 A. No.

5 Q. Can you explain your answer, please?

6 A. Yes. Again, in connection with his inconsistency,
7 he has not provided basic care for H[REDACTED]. He has not
8 provided supervision beyond his supervised visits that
9 have not progressed due to his lack of involvement in
10 services and his behavioral change to move forward with
11 his visitation; his lack of understanding of H[REDACTED]'s
12 needs and mental health to be able to mitigate risk and
13 concern, and control H[REDACTED]'s exceptional needs to
14 provide her.

15 In addition, financially, he has not provided for
16 H[REDACTED] outside of visits. He's brought some snacks and
17 games and things of that sort, but that has not extended
18 to H[REDACTED]'s day-to-day basic care.

19 Q. How much about H[REDACTED]'s life before she was in
20 out-of-home placement is known?

21 A. Not a lot.

22 Q. Do you know if she was residing with Mr. J[REDACTED]
23 when she was removed?

24 A. No, she was not.

25 Q. Has Mr. J[REDACTED] provided day-to-day care for

1 H[REDACTED] in any significant way that you're aware of?

2 A. From hearsay of what Ms. M[REDACTED] had reported, I
3 believe he had been involved in her life for about the
4 first 18 months of her life, and then kind of been
5 absent up until her removal and placement in out-of-home
6 care. There was that brief period of M[REDACTED]'s removal
7 and placement in out-of-home care, and H[REDACTED]'s about
8 a week or so later, that B[REDACTED] had reportedly gone
9 to C[REDACTED] for help so he had engaged with H[REDACTED], at
10 least briefly, before her removal.

11 Q. Do you know of any good reason for Mr. J[REDACTED]'s
12 lack of involvement in H[REDACTED]'s life?

13 A. I do not.

14 Q. I want to follow up. Is Mr. J[REDACTED] adjudicated
15 as H[REDACTED]'s father?

16 A. Yes, he is.

17 Q. I'm going to move to Mr. W[REDACTED], who I believe
18 entered a plea to the continuing CHIPS ground. Is
19 Mr. W[REDACTED] biologically tested to be M[REDACTED]'s father?

20 A. Yes, he is.

21 Q. Mr. W[REDACTED] has been in custody for a portion of
22 this case, correct?

23 A. Yes. I believe since June of 2018.

24 Q. Is condition one "control your drug or alcohol
25 addiction"?

1 A. Yes.

2 Q. And would you say that Mr. W [REDACTED] is in
3 compliance with that condition?

4 A. I would say since his incarceration, yes. He did
5 not complete an AODA assessment as referred to really
6 understand his drug or alcohol addiction, so what we do
7 know about his drug use is based on Ms. M [REDACTED]'s reports
8 with him using daily. However, he has denied any such
9 use.

10 Q. And have you worked with Mr. W [REDACTED] while he's
11 been in custody to get services?

12 A. Yes.

13 Q. When did that begin?

14 A. That was more so when he was--when he transferred
15 to Kettle Moraine after his sentencing. He was engaging
16 in a parenting class, which I recall him taking great
17 pride in because he was very concerned and aware of
18 having any sort of conflicts with that parenting class.

19 He also was engaged in some sort of, like, work
20 program where he was working with his great motivation
21 to move to a less secure facility, which has recently
22 occurred within the last month and a half, I would say.

23 Q. Has Mr. W [REDACTED] been responsive to you since
24 he's been in custody?

25 A. Yes, he has.

1 Q. Has that always been the case?

2 A. Since he's been in custody, yes.

3 Q. There are specific requirements for in custody
4 parents as part of the dispositional order, is that
5 correct?

6 THE COURT: Mr. Kreger, just a reminder
7 again that--if you can really that microphone,
8 especially since these are questions that pertain to
9 Mr. W██████████.

10 MR. KREGER: I'm, sorry, Judge. I'm trying to
11 be cognizant. If I move an inch all of a sudden it,
12 like, doesn't--

13 THE COURT: --I mean, you just have to hear
14 yourself good and loud, and if you suddenly don't, you
15 know, you're not doing it right.

16 MR. KREGER: Sure.

17 THE COURT: Thank you.

18 BY MR. KREGER:

19 Q. Was there specific requirements as part of the
20 dispositional order as they related to Mr. W██████████?

21 A. Yes.

22 Q. And do you recall those requirements?

23 A. From memory, I could not do them word-for-word.
24 I know that one of them is regards to remaining in touch
25 with your case manager, any updates about movement,

1 staying in touch with your child, writing with your
2 child, visiting with your child, remaining involved in
3 the case, things of that nature.

4 Q. And would reviewing a copy of the dispositional
5 order refresh your recollection for M██████████?

6 A. Yes.

7 MR. KREGGER: May I approach the witness?

8 THE COURT: Yes, you can approach. Thank
9 you.

10 MR. LEHTO: At this point, I'm going to just
11 point out to the State in M██████████'s termination file, um,
12 exhibits have been submitted but they're not for M██████████.
13 They're for C██████████. And so, the dispositional order
14 that was submitted in that file is for C██████████ as is,
15 for example, the CHIPS juvenile court record. They've
16 not been submitted into evidence, I believe.

17 THE COURT: I believe I can take judicial
18 notice of them right from the CHIPS file, but I agree
19 with you, I'm seeing what you're seeing. Those were
20 wrongly filed, and that should be updated so that the
21 file is correct, but I think I can take judicial notice
22 of them right from the CHIPS file.

23 MR. KREGGER: I don't believe that I--they are
24 filed in C██████████'s case.

25 THE COURT: Right. C██████████'s documents

1 are filed in M■■■■■■'s case, which is what he's saying.

2 MR. KREGGER: Okay. I don't know if--I would
3 check with the clerk or make sure that that wasn't
4 attached. I'm not sure that I did that.

5 THE COURT: Well, you guys can work it out
6 after the fact. Go ahead with your questioning.

7 BY MR. KREGGER:

8 Q. Can you just read the conditions for an
9 incarcerated parent?

10 A. Yes. "The incarcerated parent is required to:
11 Notify the ongoing case manager as soon as possible that
12 they have been transferred to another correctional
13 facility within 15 days of the transfer; sign consent
14 forms to allow the OCM and correctional facility to
15 share information; maintain at least monthly contact
16 with the OCM by telephone or in writing; maintain at
17 least monthly written contact with your child unless
18 there is a court order prohibiting or limiting contact;
19 all correspondence of any type must be sent to the OCM
20 who will make sure it's given to the child."

21 Q. As of April of 2019, was Mr. W■■■■■■ in
22 compliance with those conditions?

23 A. Can you repeat the date?

24 Q. April of 2019.

25 A. Yes.

1 Q. Can you explain to me which conditions he was in
2 compliance with?

3 A. Yes. He had been in contact with me to notify me
4 of his transfer from the House of Correction to Kettle
5 Moraine. He has worked with both myself and his variety
6 of social workers at Kettle Moraine in regards to
7 communicating information to set up services and
8 visitation, most specifically. He has maintained contact
9 with me, not so much by phone, but in writing and by
10 e-mail.

11 In terms of contact with his child, there has
12 been, I would say some written contact, but has been
13 less often. He has arranged to have, like, gifts sent to
14 the house for her. He did a beautiful portrait that he
15 painted for her, and he has had visits both in person
16 and then virtual with COVID that he's having regular
17 contact with M██████.

18 Q. Is condition two "understand how your drug or
19 alcohol addiction affects your child"?

20 A. Yes.

21 Q. Was Mr. W██████ in compliance with that
22 condition?

23 A. No. With his lack of completion of the AODA
24 assessment, we don't have a strong understanding of what
25 the drug and alcohol addiction needs are. Like I said,

1 B██████████'s reports are that he was using daily with
2 her, but he denies use. We only really have hearsay, and
3 with that lack of assessment that he completed, we don't
4 have an understanding for him to be able to understand
5 his AODA use.

6 Q. And have you attempted to engage Mr. W██████████ in
7 services during this case?

8 A. Yes.

9 Q. Anything specifically regarding alcohol and drug
10 use?

11 A. Yes.

12 Q. And what was the outcome of that?

13 A. That was the referral that was made prior to his
14 time in custody, and he, at that point in time, had a
15 warrant and was engaging with contact with me by phone,
16 but he was honest to say that he was making efforts to
17 make arrangements to have all of his things situated
18 before he turned himself in. He wasn't looking to engage
19 or show up to things that could risk him being taken
20 into custody. He had not engaged in that service, and
21 then to my knowledge that hadn't been available to him
22 at Kettle Moraine.

23 Q. Is condition three "control your mental health"?

24 A. Yes.

25 Q. Is Mr. W██████████ in compliance with that

1 condition?

2 A. No.

3 Q. Why do you say he's not in compliance with that
4 condition?

5 A. For the same reasons with that AODA assessment.
6 We had referred him for a psychological evaluation
7 before his time in custody. Again, with that warrant he
8 was not looking to engage in something that could risk
9 him being taken into custody, and that service was not
10 available to him at Kettle Moraine.

11 Q. Is condition six "do not allow violence in your
12 home or in front of your children"?

13 A. Yes.

14 Q. Is Mr. W [REDACTED] in compliance with that
15 condition?

16 A. No.

17 Q. Why do you say he's not in compliance with that
18 condition?

19 A. From what B [REDACTED] has shared from the time in
20 the home prior to the children's removal, there was
21 violence occurring in the home, at least every other
22 day; significant violence where he was--

23 MR. LEHTO: --Judge, I'm going to object to
24 this answer. It's not addressing the question if he's
25 been compliant with the condition. This witness is

1 testifying to evidence prior to the entry of the order.
2 It's not responsive.

3 THE COURT: Okay. Were you going to get
4 there, Ms. Miller?

5 MS. MILLER: Yes, I can get to that.

6 MR. W██████████: I'm sorry, I didn't get the
7 last question from Mr. Kreger.

8 THE COURT: He asked whether you were in
9 compliance with the condition to not allow violence in
10 your home or in front of your child.

11 Ms. Miller, why don't you fast forward to
12 the conditions.

13 A. Since this dispositional order has been in place,
14 Mr. W██████████ has been in custody for the violent acts
15 within the home environment; and so, there has not been
16 the opportunity for violent acts to occur in the home in
17 front of the children because of him being in custody.

18 Q. Is condition seven "always supervise your child
19 and place your child's needs before your own"?

20 A. Yes.

21 Q. Is Mr. W██████████ in compliance with that
22 condition?

23 A. No.

24 Q. Why do you say that he's not in compliance with
25 that condition?

1 A. Where it talks about making plans to keep your
2 child safe, we had a variety of conversations about
3 Mr. W█████████ seeking to have M█████████ placed with a
4 variety of family members; one specifically was T█████████
5 M█████████ where we expressed our safety concerns in regards
6 to that placement, but despite those conversations and
7 our assessment and concerns, Mr. W█████████ was still
8 seeking for his child to be placed in that home.
9 Additionally, in terms of his ability to supervise and
10 care for his child, again, he's been in custody and has
11 been unable to do so.

12 Q. Is condition eight "have age-appropriate
13 expectations of your child"?

14 A. Yes.

15 Q. And is Mr. W█████████ in compliance with that
16 condition?

17 A. I would say mostly yes for this one. Mr. W█████████
18 seems to be pretty aware of M█████████'s age and
19 development; asks questions about things that she likes.
20 He likes to send gifts to her that is in relation to her
21 interests.

22 He's also been very aware of M█████████'s age and
23 attention span as it retains to video visits. I think he
24 does have some understanding to this. Service wise, we
25 had referred him for parenting classes before he was in

1 custody, and those he did not do. There was the
2 opportunity for him to do those at Kettle Moraine, which
3 he did.

4 Q. Is condition nine "control your emotions"?

5 A. Yes.

6 Q. Is Mr. W [REDACTED] in compliance with that
7 condition?

8 A. Overall, yes.

9 Q. And why do you say that?

10 A. As it pertains to his ability to control his
11 emotions in front of his child within both the in person
12 and video visits, he has been able to control his
13 emotions and act appropriately. There has been times
14 where he has been frustrated with either myself or his
15 facility social worker, and he maybe not acted the most
16 appropriate or expressed himself in an appropriate way,
17 but he seems to be able to do that in front of his child
18 for those short periods of time.

19 Q. Mr. W [REDACTED] is incarcerated based on physical
20 abuse of a child including H [REDACTED] and C [REDACTED],
21 correct?

22 A. Correct.

23 Q. Has he received any type of treatment in regards
24 to either anger management or therapy--well, since the
25 children have been removed?

1 A. I believe he was engaging in anger management,
2 but I don't think therapy.

3 Q. Did Mr. W█████████ advise you of what services that
4 he had participated in prior to April of 2019?

5 A. Yes. Those that he was engaged in, or had
6 progressed in, or looking to be engaged in at Kettle
7 Moraine, yes.

8 Q. Is there an all parent condition of "provide safe
9 care for your child"?

10 A. Yes.

11 Q. Is Mr. W█████████ in compliance with that
12 condition?

13 A. No.

14 Q. Why do you say that he's not in compliance with
15 that condition?

16 A. He has been unable to meet this condition with
17 him being in custody; that he is not able to have a
18 safe, suitable, and stable home. We are not able to
19 assess his ability to control his impulses. M█████████ does
20 not have any special needs, but in terms of his ability
21 to care for her day-to-day, he is not able to.

22 He does cooperate with both myself and the foster
23 parents in regards to M█████████ and her care. He has
24 remained in touch with the ongoing case manager.

25 Q. So even as of April of 2019, you would say he has

1 kept in touch with you regularly while in custody at
2 that point?

3 A. There were, I would say, periods of time that
4 were less--or gaps of time where he had not been. I
5 would say there has been great improvement in that since
6 the TPR has been filed.

7 Q. Is there a condition "if your child is not living
8 with you, you must visit your child regularly"?

9 A. Yes.

10 Q. Is Mr. W [REDACTED] in compliance with that
11 condition?

12 A. Yes.

13 Q. Why do you say he's in compliance with that
14 condition?

15 A. Visits are set up virtually with COVID. Visits
16 have been something that he has been very passionate
17 about. We had a period of time when he was at House of
18 Corrections that he was able to visit with M [REDACTED]
19 through a monitor. When he was sentenced and transferred
20 to Kettle Moraine, their policy required the consent of
21 the legal guardian, and at that time B [REDACTED] had
22 concerns, so therefore was not willing to consent.

23 We did have a court hearing to address that, to
24 which Judge Yang had ordered that Ms. M [REDACTED] sign
25 consents as legal guardian to allow M [REDACTED] to visit. We

1 then set up the in person visits to occur on a monthly
2 basis. We were at a point where we were looking to
3 increase the time from one hour to two hours, and
4 unfortunately right when that was happening is when
5 COVID started. We had set up the visits virtually.
6 There have been periods where we had some difficulty
7 with changing social worker or Zoom issues, or things of
8 that nature with Kettle Moraine. Mr. W [REDACTED] is
9 generally very good about staying on top of things with
10 the desire to see and visit his daughter.

11 Q. From March of 2018, to April of 2019, when the
12 TPR was filed, was Mr. W [REDACTED]--did he see M [REDACTED] at
13 all during that time?

14 A. I don't believe so. I think the in person visits
15 started after the TPR petition was filed.

16 Q. During that time, was he in regular contact with
17 you?

18 A. In regards to his desire to set up visits? Yes.

19 MR. KREGGER: I have no further questions as
20 it relates to the prove-up.

21 THE COURT: Thank you. Mr. Holzman, any
22 questions?

23 MR. HOLZMAN: I have no questions for the
24 prove-up, but I do have questions for the dispositional
25 hearing.

1 THE COURT: Very good. Thank you, Counsel.
2 Ms. Strigenz, any questions?

3 MS. STRIGENZ: I am also going to agree with
4 that statement, Judge. I will be putting my client on
5 the stand and address some of the concerns that came up
6 in the prove-up.

7 THE COURT: All right. Mr. Lehto, any
8 questions on behalf of Mr. W██████████?

9 MR. LEHTO: Yes. Yes, I do have some
10 questions.

11 THE COURT: Let me just ask a quick
12 question. Your client pleaded no contest. He has
13 effectively told the Court that he's not contesting the
14 allegations as to the continuing CHIPS. Just in terms of
15 the prove-up, how do you see that in terms of your
16 questioning?

17 MR. LEHTO: Still, there has to be a factual
18 basis. I think some of these questions will also go to
19 the disposition. I think it might be appropriate to ask
20 them at this time to clarify a few things on the record,
21 and I'm sure Mr. W██████████ will want that clarified at
22 this time.

23 THE COURT: Okay, sure. Go ahead. Thank
24 you.

25 **CROSS-EXAMINATION**

1 BY MR. LEHTO:

2 Q. One of--

3 MR. W██████████: --I'm sorry to interrupt. Is
4 there a way that I can speak to my attorney, like, if I
5 have something to say to him?

6 THE COURT: Yes. I can create a breakout
7 room. Did you want to speak with him now?

8 MR. W██████████: For, like, 30 seconds, please.

9 THE COURT: Sure. You should get an
10 invitation on your screen. Let me just create that room,
11 and then I will invite you. If you accept that, you can
12 have that private conversation. We'll just pause and not
13 do anything until you come back. You should see that
14 invitation now.

15 MR. ██████████: All right, thank you.

16 MR. LEHTO: I see the invitation as well.

17 THE COURT: Go ahead and accept it. He's in
18 the breakout room.

19 MR. LEHTO: Right. How do I talk to him
20 privately?

21 THE COURT: First you have to accept the
22 invitation--I see, you're right here. I didn't think of
23 that.

24 MR. LEHTO: What I can do is I can get Zoom
25 on my phone--

1 THE BAILIFF: --You can unplug the computer
2 and go to the other room.

3 THE COURT: Why don't you accept the
4 invitation so he knows you're there, and then you can
5 work with the deputy in the other room.

6 (Pause in Proceedings)

7 THE COURT: The record should reflect
8 Mr. W [REDACTED] and Attorney Lehto have had an opportunity
9 for a private conversation.

10 Mr. Lehto, I will turn it back over to you.

11 MR. LEHTO: Thank you, Your Honor.

12 BY MR. LEHTO:

13 Q. Ms. Miller, I'm going to go over a couple of
14 conditions you previously testified to. I know one of
15 the first ones was "control your substance use or drug
16 or alcohol addiction," correct?

17 A. Correct.

18 Q. And I think when you answered that question, you
19 answered with information prior to the entry of the
20 order in part, am I correct?

21 A. In part, yes.

22 Q. Yes. You answered saying it was hearsay from the
23 mother that said he had this problem, correct?

24 A. Correct.

25 Q. And then you also stated that you had offered

1 programs to him, but he did not complete or accept them,
2 is that correct?

3 A. That is correct.

4 Q. But that was prior to the entry of the order,
5 correct?

6 A. Correct.

7 Q. Okay. So now the question from the State was
8 whether he's been compliant with the order. Do you
9 understand that?

10 A. Yes.

11 Q. The part where--prior to the entry of the order
12 you may have offered something to him, but shortly after
13 he was in custody, correct?

14 A. Correct.

15 Q. And that really wasn't the court order that you
16 were asked about today in terms of compliance with the
17 court order that was entered later?

18 A. The referral and services were set up before the
19 court order for him to do a voluntary basis knowing that
20 we had concerns about AODA use.

21 Q. Right. They were voluntary, so they weren't court
22 ordered, correct?

23 A. Not at that time, no.

24 Q. Okay. Turning to that condition, you're aware he
25 completed an AODA assessment at Kettle Moraine, correct?

1 A. I was not aware of that, no.

2 Q. Okay. He signed releases for you to obtain
3 records from Kettle Moraine, correct?

4 A. That is correct.

5 Q. In fact, he signed several for you, correct?

6 A. As the social workers have changed, yes.

7 Q. Okay. You have requested--it would be part of
8 your job to request any records from the institution
9 that might go towards conditions of return, correct?

10 A. Yes.

11 Q. And are you saying you never received the AODA
12 assessment from Kettle Moraine?

13 A. I have never received an AODA assessment from
14 Kettle Moraine.

15 Q. Have you asked Mr. W [REDACTED] whether he completed
16 one at Kettle Moraine?

17 A. Yes. I have talked with him about programming,
18 and he has never shared that he's done an AODA
19 assessment at Kettle Moraine.

20 Q. Okay. Has he told you that he has engaged in AODA
21 services at Kettle Moraine?

22 A. No, he has the not.

23 Q. Okay. Again, you're stating even though he signed
24 releases, you have no record of that, correct?

25 A. That's correct.

1 Q. Have you ever received any records from Kettle
2 Moraine regarding a mental health assessment?

3 A. No.

4 Q. Okay. And did you ask Mr. W [REDACTED] whether he
5 completed one at Kettle Moraine?

6 A. I don't believe so, no.

7 Q. You don't believe so. Are you sure you didn't ask
8 him?

9 A. We had conversations about services, and he's
10 never reported any sort of mental health services,
11 support, assessment, therapy, anything of that nature,
12 for me to then obtain the information. From my
13 conversations with him and the social workers that he's
14 had, no, that's never been shared.

15 Q. Okay. You're stating that you're not aware of any
16 DV program he's done at Kettle Moraine, is that correct?

17 A. The one that I'm thinking of was more like an
18 anger management focus. I'm not sure if we're thinking
19 of the same programming. From my recollection, it was
20 like an anger management course, and I think it had some
21 DV components in it.

22 Q. He completed that, correct?

23 A. Correct.

24 Q. How did you learn that?

25 A. Through him and his social worker.

1 Q. Are you aware that he participated in parenting
2 and family-oriented programs at Kettle Moraine?

3 A. Yes, I was.

4 Q. Okay. If you had the records that he completed an
5 AODA assessment and participated in programming since
6 the entry of the dispositional order, would your answer
7 be different if you had known that? You had stated--

8 MR. KREGGER: --Objection. Calls for
9 speculation.

10 THE COURT: Any response, Mr. Lehto?

11 MR. LEHTO: It's a theoretical question to
12 the case manager. I think she's qualified to answer
13 that.

14 THE COURT: So, I don't think she's here as
15 an expert witness. Usually hypotheticals are not allowed
16 for percipient witnesses.

17 MR. LEHTO: Okay.

18 THE COURT: Thank you.

19 BY MR. LEHTO:

20 Q. Do you believe that these records existed and
21 releases were signed, and you made reasonable efforts in
22 obtaining these records?

23 MR. KREGGER: I would object again. I think
24 that calls for speculation.

25 THE COURT: Why don't you ask her what

1 efforts she made to get the records?

2 BY MR. LEHTO:

3 Q. What efforts did you make to get the records?

4 A. Absolutely. I have been in ongoing contact with
5 Mr. W [REDACTED] regarding programming and services, in
6 addition to his social workers. Like I said, the program
7 and the information that was shared with me is the
8 information that I then collected and have on file in
9 order to see what he has completed and engaged in.

10 Unfortunately, when I don't have the knowledge of
11 something being done or the information shared with me,
12 I can't--I then have no knowledge of what I'm looking
13 for, what I'm looking to request, um, to get information
14 that I know nothing about.

15 Q. Okay. You were asked about another condition, "no
16 violence in front of your child or in front of your
17 home," correct?

18 A. Correct.

19 Q. Okay. And your answer to that was in part
20 information prior to the entry of disposition order, is
21 that correct?

22 A. That's correct.

23 Q. Since then, Mr. W [REDACTED] has been in custody.
24 Has there been any evidence that he has not complied
25 with that condition?

1 A. The one I guess I would speak to is the "do not
2 get into any violent or unhealthy relationship." He has
3 not started a new relationship, but he remains married
4 to Ms. M██████. Throughout the duration of this case, I
5 talked to both him and Ms. M██████ multiple times as they
6 both had expressed their desire to get a divorce.
7 However, over this about three-year period, there has
8 been no sort of follow-up or movement, to my knowledge,
9 on either part to disconnect from that marital
10 relationship which we know was very volatile and had
11 violence occurring every day. That marriage remains in
12 place today.

13 Q. Okay. But specifically, has there been any
14 violence in front of the child?

15 A. No.

16 Q. I'm not going to ask about the divorce situation
17 because for an incarcerated parent it's not that easy.
18 "Always supervise your child and put your child's needs
19 before your own." You provided an example there that
20 he's not been compliant because he wanted an aunt to be
21 placement, correct?

22 A. That is correct.

23 Q. And what was the safety concern that you are
24 testifying to or saying that that's not compliant with
25 that condition?

1 A. We had a variety of safety concerns with T [REDACTED]
2 M [REDACTED]. I talked to Mr. W [REDACTED] about one of those
3 concerns being observation of T [REDACTED] driving the child
4 without a car seat at that point in time. There was also
5 the concern that she was driving the child without a
6 license and insurance at that time as well.

7 When I had done home visits, Ms. M [REDACTED] has, from
8 memory, I want to say about eight children, and every
9 single home visit I would do during the daytime hours
10 there was an adult, I shouldn't say an "adult," an older
11 minor child, a teenager or a young teen, that was
12 generally providing the care for M [REDACTED]; holding her,
13 feeding her, things of that nature.

14 T [REDACTED] was a full-time caregiver to her husband
15 who had health issues; and so, in conjunction with some
16 of her husband's health issues, there was also pill
17 bottles throughout the home in reach of young children,
18 which was also a concern.

19 Q. Are you sure you're talking about T [REDACTED] M [REDACTED]
20 or another--

21 A. --Yup. This is in T [REDACTED] M [REDACTED]'s home.

22 Q. You're not talking about B [REDACTED] M [REDACTED]?

23 A. No, this is T [REDACTED] M [REDACTED].

24 Q. And we did have a hearing where we asked to
25 change placement to T [REDACTED] M [REDACTED] during the pendency of

1 this termination case, correct?

2 A. Yes. Mr. W [REDACTED] wanted to have M [REDACTED] returned
3 to T [REDACTED].

4 Q. Just a couple more questions. There was a period
5 that the State asked you, I think it was from 2018 to
6 2019, where Mr. W [REDACTED] did not have actual direct
7 contact or visits with M [REDACTED], is that correct?

8 A. Once he transferred to Kettle Moraine around
9 October of 2018, until that hearing in sometime early
10 2019, I think around March or April, yes.

11 Q. Right. I brought on his behalf a revision
12 petition to have the mother consent to the child being
13 able to go to Kettle Moraine, correct?

14 A. That is correct.

15 Q. And so, the reason he did not have visits during
16 that period of time was because the mother would not
17 consent to visits, correct?

18 A. Correct.

19 Q. But throughout that period of time he expressed
20 to you that he did want to visit, correct?

21 A. Yes.

22 Q. And then since that resolved, you did testify
23 that there were in persons established, and we had
24 COVID, and then there was Zoom. He's consistently
25 participated in seeing his child since that, correct?

1 A. Yes.

2 MR. LEHTO: No further questions.

3 THE COURT: Thank you. Mr. Lehto, for
4 clarification of the Court, are you challenging whether
5 there's a factual basis for the continuing CHIPS no
6 contest plea?

7 MR. LEHTO: Well, I think one of the reasons
8 I wanted to ask the questions now is they were
9 immediately before the Court to resolve a couple of
10 these issues rather than in the dispositional portion.

11 We recognize in entering the no contest plea
12 that having a safe, suitable home, for example, is a
13 condition that my client has not met and is not likely
14 to meet for a period of time. The Court still has to
15 independently find that there's a factual basis in the
16 prove-up.

17 I'm submitting this to the Court with this
18 testimony for the Court to consider whether the State
19 has achieved prove-up as to Mr. W██████████.

20 THE COURT: So you're not challenging it,
21 you're just helping the Court gather the necessary
22 facts?

23 MR. LEHTO: I'm asking the Court to make the
24 correct finding on it, and if the Court finds the
25 evidence is insufficient, that would be up to the court.

1 THE COURT: Okay. Thank you for that
2 clarification.

3 Mr. Kreger, any redirect? And I think
4 Mr. Lacera, I think I may have completely skipped over
5 you. Maybe I should ask you if you'd like to ask any
6 questions.

7 MR. LACERA: I have no questions. Thank you.

8 THE COURT: Thank you. Any redirect?

9 MR. KREGER: Yes, Your Honor.

10 **REDIRECT EXAMINATION**

11 BY MR. KREGER:

12 Q. I'll ask you to look at condition two--

13 THE COURT: --You do have to use that
14 microphone, though.

15 MR. KREGER: I'm sorry.

16 THE COURT: Thank you.

17 BY MR. KREGER:

18 Q. I'll ask you to look at condition two, and the
19 second bullet point, if you could read that bullet
20 point?

21 A. Yes. The second bullet points reads, "Show that
22 you understand your prior use of drugs or alcohol in
23 front of your child, and how that has affected your
24 child's mental health and development."

25 Q. Would you say that in pertaining to that portion

1 of the condition, "understand how your drug or alcohol
2 addiction affects your child," that it is necessary to
3 know what prior drug abuse Mr. W [REDACTED] has engaged in?

4 A. Absolutely.

5 Q. Would you say that he, again, has complied with
6 that condition?

7 A. No.

8 Q. I would ask you to look at condition six at the
9 fourth bullet point.

10 A. Would you like me to read that one, too?

11 Q. Sure.

12 A. "Cooperate with counseling for your child to
13 understand how your child has been harmed by seeing
14 violence in the home."

15 Q. Again, understanding as a basis point in that
16 condition the violence that went on in Mr. W [REDACTED]'s
17 home, that's important to know whether he's in
18 compliance with that condition, correct?

19 A. Yes, it is.

20 Q. Would you say he's in compliance with that
21 condition?

22 A. No. His child has not been engaged in counseling
23 to say that he has had opportunity to engage in her
24 counseling. At least in his conversations with me, he
25 has not spoken to his understanding of the violence in

1 the home, the impact that it had on his child, any
2 concern about her development in that regard, or
3 anything of that nature.

4 Q. With T [REDACTED] M [REDACTED], you outlined some serious
5 concerns about placement with her?

6 A. Yes.

7 Q. Was there also an issue with her acceptance of
8 what Mr. W [REDACTED] was in custody for and the level of
9 violence that went on?

10 A. Yes, absolutely.

11 Q. Yet, Mr. W [REDACTED] still persisted on having
12 M [REDACTED] placed with her?

13 A. Yes.

14 MR. KREGGER: I have no further questions.

15 THE COURT: All right, thank you. If it's
16 okay with everybody, I think given the hour it might
17 make sense for me to go ahead and make my findings as to
18 prove-up. Does anyone have anything further before I do
19 that?

20 MR. KREGGER: No, Your Honor.

21 THE COURT: All right, thank you. I'm going
22 to go one-by-one the way the State did. Turning first to
23 Mr. C [REDACTED].

24 I do find that there's clear, convincing,
25 and satisfactory evidence to a reasonable certainty of

1 both the continuing CHIPS and the failure to assume
2 parental responsibility. Obviously, C [REDACTED] is a
3 child who has been adjudged to be in need of protection
4 or services and placed outside of the home for a
5 cumulative total period of six months or longer pursuant
6 to one or more court orders containing the termination
7 of parental rights notice required by law. I think that
8 DMCPS through Children's Hospital also made a reasonable
9 effort to provide Mr. C [REDACTED] with the services ordered by
10 the Court.

11 According to the testimony of Ms. Miller,
12 Mr. C [REDACTED] has been in and out of custody throughout the
13 CHIPS and TPR cases roughly 50-to-60 percent of the
14 time. During the time that he has been in custody, he
15 has sent letters and pictures. His last in person visit
16 was in early 2020. During COVID, there have been some
17 phone visits. When he was out in June of 2020, he was
18 offered an in person visit, but he did not take
19 advantage of that.

20 In terms of the reasonable efforts, he was
21 referred for domestic violence counseling, a
22 psychological evaluation, individual treatment,
23 visitation, case and home management, but did not
24 engage. He did do some courses while in custody.

25 Overall, the safety concern is an

1 inconsistency and a lack of motivation to meet
2 C██████████'s needs; and so, I think the State made the
3 reasonable effort to refer the services when Mr. C██████████
4 was out of custody; he did not engage in that. I do
5 think he has failed to meet the conditions established
6 for C██████████'s safe return home.

7 Really, he hasn't progressed on any of the
8 services and conditions to any meaningful degree in the
9 dispositional order; certainly, not to the level needed
10 to create behavioral change to allow a safe return of
11 C██████████ to his home.

12 In terms of the failure to assume parental
13 responsibility, I do think that Mr. C██████████ has failed to
14 assume parental responsibility for C██████████. He does
15 not have a substantial parental relationship with her.
16 He has not accepted or exercised significant
17 responsibility for her daily supervision, education,
18 protection, or care.

19 His visits have been--there certainly have
20 been some, but they haven't been very consistent. Prior
21 to the CHIPS case coming into effect in March of 2018,
22 he did not live with Ms. M██████████ and C██████████. It
23 sounds like C██████████'s grandmother provided quite a
24 bit of care for her in her early childhood before the
25 CHIPS, both informally and then through a private

1 transfer of guardianship.

2 He has not attended any doctor's
3 appointments. Other than going to one concert or play,
4 he has not really engaged in her education. I also find
5 that this ground is proven by clear, convincing,
6 satisfactory evidence to a reasonable degree of
7 certainty.

8 As to Mr. J [REDACTED], I find the same
9 conclusion. H [REDACTED] is a child who has been adjudged to
10 be in need of protection or services and placed outside
11 of the home for a cumulative total period of six months
12 or longer pursuant to one or more court orders
13 containing the termination of parental rights notice.

14 Reasonable efforts were made by DMCPS
15 through Children's Hospital to provide the services
16 ordered by the Court. Mr. J [REDACTED] was referred for an
17 AODA assessment. He did one about six months ago while
18 in custody, but that was long after the TPR action was
19 filed. He did not sign any releases, however, to allow
20 the case manager to verify.

21 He was also referred to PSG after the
22 dispositional order. There were numerous conversations
23 about his need to take advantage of that referral, but
24 he did not. He doesn't, you know, there's no evidence he
25 understands the effect of drug and alcohol use or

1 addiction on H [REDACTED] because there's no assessment.

2 There's really no good understanding of that.

3 In terms of the no violence in the home
4 condition, I don't think that was met either. A good
5 example was S [REDACTED] W [REDACTED] who was in the home with
6 whom there was some prior abuse. He was also referred to
7 domestic violence counseling. His attendance was
8 sporadic, and he did not complete that. He was referred
9 for visits and set up for supervised visits, but those
10 were inconsistent. H [REDACTED] was disappointed many times
11 by his failure to show up. He was referred for a
12 psychological evaluation; that was done in 2019, but it
13 doesn't sound like there was any follow up. Visitation
14 was referred, and, again, that was inconsistent.

15 I do think that Mr. J [REDACTED] has failed to
16 meet the conditions established for H [REDACTED]'s safe
17 return to his home. He really has not engaged at a level
18 that would be needed for the behavioral change that
19 would allow a safe return.

20 I also find he has failed to assume parental
21 responsibility for her. He does not have a substantial
22 parental relationship with her. He has not accepted or
23 exercised significant responsibility for her daily
24 supervision, education, protection, or care.

25 Before the temporary physical custody order,

1 it sounds like he did not provide any day-to-day care
2 for H [REDACTED] except maybe for the first 18 months of her
3 life. It doesn't sound like he's provided for education,
4 protection, care, clothing, housing, so I find that
5 ground is also proven by clear, convincing, and
6 satisfactory evidence.

7 Finally, as to Mr. W [REDACTED], the continuing
8 CHIPS, certainly M [REDACTED] is a child who was adjudged to
9 be in need of protection or services and placed outside
10 of the home for a cumulative total period of six months
11 or longer with a court order containing the termination
12 of parental rights notice.

13 DMCPS has made reasonable efforts to provide
14 the services ordered by the Court. Much of the time of
15 this case, and certainly since the dispositional order,
16 Mr. W [REDACTED] has been in custody, and he has done a
17 pretty good job of staying in touch overall with Ms.
18 Miller and with M [REDACTED].

19 I think one of the key facts there is his
20 lack of communication about the services he claims to
21 have received while in custody; thus, hindering Ms.
22 Miller's ability to reach out to the social worker to
23 get verification of that.

24 In addition, I think that the, um,
25 understanding the drug and alcohol use and its effect on

1 your child is a key condition. Ms. M [REDACTED] has indicated
2 that they were both using Percocet daily prior to the
3 temporary physical custody hearing. In these proceedings
4 hearsay is admissible unless, um, it has some
5 significant indicia of being unreliable, and I think
6 that's a pretty consistent report that the Court finds
7 reliable. The inability to be honest about that stops
8 that ability to engage in the services that Children's
9 Hospital would order, and also just stops in its tracks
10 the ability to meet that condition. That's a fundamental
11 condition, and a fundamental area for behavioral change
12 to allow M [REDACTED] a safe return home.

13 Obviously, in terms of a safe home, know,
14 Mr. W [REDACTED] is not able to provide that because of his
15 incarceration. I believe that the Court can take in
16 consideration that Mr. W [REDACTED] is incarcerated due to
17 his own actions, which included both domestic violence
18 and child abuse.

19 He was referred for a psychological
20 evaluation. He was also referred for an AODA assessment
21 and other services. In that period of time after the
22 dispositional order and before he went into custody, I
23 don't know how long that period of time that was because
24 that information was not put into the record, but the
25 testimony was, however, that Mr. W [REDACTED] basically was

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(End of Proceedings)

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)

I, Alycia G. Bein, Official Court Reporter for the State of Wisconsin, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully prepared by me with my computerized stenographic notes as taken by me in machine shorthand, and by computer--assisted transcription thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter to the best of my knowledge and ability.

Dated this 29th day of October, 2021.

Electronically Signed By:

/s/ Alycia G. Bein

ALYCIA G. BEIN, RPR
OFFICIAL COURT REPORTER

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FILED
08-31-2021
John Barrett
Clerk of Circuit Court
2019TP000225

1 STATE OF WISCONSIN :CIRCUIT COURT: MILWAUKEE COUNTY
2 BRANCH 06

3 -----
4 In the Interest of

5 C [REDACTED] M [REDACTED] Case No. 19-TP-225
6 H [REDACTED] J [REDACTED] 19-TP-64
7 M [REDACTED] W [REDACTED] 19-TP-65

8 Children under the age of Eighteen

9 -----
10 April 23, 2021

11 Proceedings held before the
12 Honorable **ELLEN R. BROSTROM**,
13 Circuit Court Judge, presiding.

14 **DISPOSITION HEARING**

15 **A P P E A R A N C E S:**

16 CHARLES KREGER, Assistant District Attorney, appeared on
17 behalf of the State.

18 MICHAEL HOLZMAN, Attorney at Law, appeared on behalf of
19 the Father, J [REDACTED] C [REDACTED], who appeared in person.

20 CHERYL WARD, Attorney at Law, appeared on behalf of the
21 Mother, B [REDACTED] M [REDACTED] who appeared in person.

22 DEBORAH STRIGENZ, Attorney at Law, appeared on behalf of
23 the Father, C [REDACTED] J [REDACTED], who appeared in person.

24 DUKE LEHTO, Attorney at Law, appeared on behalf of the
25 Father, C [REDACTED] W [REDACTED], who appeared in custody via
Zoom.

JULIAN LACERA, Guardian ad Litem, appeared on behalf of
the minor children, whose appearances were waived.

LAUREN MILLER, CHWCS, appeared in person.

SAMANTHA KOHNERT, CHWCS, appeared via Zoom.

AMY DE LA ROSA
Court Reporter

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WITNESS INDEX

<u>WITNESS:</u>	<u>EXAMINATION:</u>	<u>PAGE:</u>
Lauren Miller	Mr. Kreger	8
	Mr. Lacera	48
	Ms. Ward	51
	Mr. Lehto	67
	Ms. Strigenz	90

1 TRANSCRIPT OF PROCEEDINGS

2 THE CLERK: Calling Case Nos. 19-TP-225, *In the*
3 *Interest of C. [REDACTED] M. [REDACTED]* 19-TP-64, *In the Interest*
4 *of the H. [REDACTED] J. [REDACTED]* and 19-TP-65, *In the Interest of*
5 *M. [REDACTED] W. [REDACTED]*

6 Appearances.

7 MR. KREGER: Charles Kreger appearing on behalf
8 of the State.

9 MS. MILLER: Lauren Miller, Family Case
10 Manager.

11 MR. LACERA: Julian Lacera, Guardian ad Litem.

12 MR. HOLZMAN: Attorney Michael Holzman on
13 behalf of J. [REDACTED] C. [REDACTED], the father of C. [REDACTED].
14 Mr. C. [REDACTED] is not here at this point. I just talked to
15 him about 10 minutes ago. He is on the way and should be
16 here momentarily.

17 Good morning, Your Honor.

18 MS. WARD: Attorney Cheryl Ward appears on
19 behalf of the mother, B. [REDACTED] M. [REDACTED], who also
20 appears.

21 MS. STRIGENZ: Good morning, Judge.

22 Attorney Deborah Strigenz appearing in person on
23 behalf of C. [REDACTED] J. [REDACTED], the father of H. [REDACTED]
24 J. [REDACTED]. He is also here in person.

25 MR. LEHTO: And Duke Lehto appears on behalf of

1 the father, C [REDACTED] W [REDACTED], who is in custody
2 appearing by Zoom. I don't see him in his room. There
3 he is. He is appearing by Zoom.

4 THE COURT: All right. Thank you. Good
5 morning to everyone. So the record should reflect
6 Mr. W [REDACTED] is presents via Zoom. We are waiting for
7 Mr. C [REDACTED] We were set to start at 8:45. It's now 8:55.
8 I thought maybe we could just see if there were any legal
9 or housekeeping matters we needed to address. I know
10 Mr. Lehto has already adjusted the appearance time for
11 one of his witnesses. Any other of these
12 housekeeping-type matters that need to be addressed?

13 MR. HOLZMAN: No, Your Honor.

14 MS. STRIGENZ: Not on behalf of Mr. J [REDACTED] at
15 the moment.

16 THE COURT: Okay. It looks like none. So,
17 Mr. Holzman, I will wait until 9, but then I think we
18 need to get started.

19 MR. HOLZMAN: That's fine, Your Honor.

20 MR. LEHTO: And I would note that the witness
21 that I have adjusted the time on, if we are coming back
22 at 1:30, I would like to call the witness at that time.
23 She has children at home, and that would be more
24 convenient.

25 THE COURT: Okay. Hopefully, that will work.

1 I think, Mr. Kreger, that seemed like it was okay with
2 you.

3 MR. KREGER: I am sorry, can you say that
4 again?

5 THE COURT: He wants to call his witness at
6 1:30. I guess, you know, it's just going to depend. I
7 am assuming the State is assuming it will rest this
8 morning, but I guess we don't know for sure; is that
9 right?

10 MR. KREGER: That's correct, Your Honor, that's
11 my hope.

12 THE COURT: Okay. So hopefully, that will
13 work.

14 MR. LEHTO: Okay. Thank you.

15 THE COURT: In any event, she can Zoom in, and
16 we can have her wait, but it sounds like the best
17 estimate.

18 And, Ms. Ward, are you going to be calling any
19 witnesses on behalf of Ms. Mu██████?

20 MS. WARD: Yes. I have two outside witnesses
21 that would be appearing by Zoom and then Ms. Mu██████.

22 THE COURT: All right. Go ahead.

23 MS. WARD: But I am okay with if everybody has
24 outside witnesses calling them first and then, you know,
25 getting to Ms. Mu██████ because, you know, she is here

1 THE CLERK: You said [REDACTED]?

2 MR. HOLZMAN: [REDACTED].

3 THE COURT: And do you have a zip code?

4 MR. HOLZMAN: No, I don't. And, Your Honor,
5 Mr. C [REDACTED] says he is going to be here in a minute or two.
6 He is close to pulling in the parking lot.

7 THE COURT: Okay. Super. Thank you.

8 (Off the record.)

9 THE COURT: All right. Well, I do think we
10 need to get started, Mr. Holzman, but he should be here
11 shortly, and you are here to represent his interests.

12 Mr. Kreger, are you prepared to call your first
13 witness?

14 MR. KREGER: Yes, Your Honor.

15 THE COURT: Go ahead.

16 MR. KREGER: The State would call Lauren
17 Miller.

18 THE COURT: Sure.

19 **LAUREN MILLER,**
20 called as a witness herein, having been first duly sworn
21 on oath, was examined and testified as follows:

22 THE COURT: Thanks. Have a seat, and please
23 begin by stating and spelling your name, and then,
24 Mr. Kreger, you can go ahead.

25 THE WITNESS: My name is Lauren Miller,

1 L-A-U-R-E-N M-I-L-L-E-R.

2 E X A M I N A T I O N

3 BY MR. KREGER:

4 Q Ms. Miller, is there an adoptive resource for M [REDACTED]
5 W [REDACTED]?

6 A Yes.

7 Q And who is that adoptive resource?

8 A M [REDACTED] and K [REDACTED] S [REDACTED].

9 Q And is that the same adoptive resource as for C [REDACTED]
10 M [REDACTED]?

11 A Yes, it is.

12 Q And how long has M [REDACTED] been placed with the S [REDACTED]s?

13 A M [REDACTED] was placed there in August of 2018.

14 Q And how long has C [REDACTED] been with the S [REDACTED]s?

15 A She was also August, but of 2019.

16 Q And have the S [REDACTED]s been through the licensing
17 process?

18 A Yes, they have.

19 Q And have they been approved for adoption?

20 A Yes, they have.

21 Q Were there any red flags or anything during that process?

22 A No.

23 Q Would you say that the S [REDACTED]s are committed to
24 adopting M [REDACTED] and C [REDACTED]?

25 A Absolutely.

1 Q And how do you know that?

2 A When this case came in, M [REDACTED] and H [REDACTED] were first
3 placed with the S [REDACTED]s, and as this case has
4 continued to evolve and there has been additional
5 siblings born and placed in out-of-home care, the
6 S [REDACTED]s have continued to evolve and continued there
7 commitment to each of these children. They have
8 expressed their desire to be an adoptive resource if the
9 children are not able to return home to their parents,
10 and they've built relationships with extended family as
11 well as the parents to continue those connections for
12 these children.

13 Q Who are the caretakers in the S [REDACTED]'s household?

14 A Both Mr. and Ms. S [REDACTED] are caretakers.
15 Mr. S [REDACTED] is employed outside of the home, so
16 Ms. S [REDACTED] is the primary caretaker during the
17 daytime during work hours.

18 Q And are there any other children in the S [REDACTED]'s
19 household?

20 A Yes, there are.

21 Q And I know that is probably hard to know every single
22 kid's age, but can you just tell me who the kids are and
23 their approximate ages?

24 A Yes. There is another foster child who is not related to
25 this case who is approximately three years of age. There

1 is also F [REDACTED], who is a half sibling to these children,
2 who is placed there, and he is about two years old at
3 this time, and then there is A [REDACTED], who is also a half
4 sibling to these children who is placed there, and he
5 just turned a year old.

6 Q And how long has F [REDACTED] been placed with the S [REDACTED]s?

7 A Since his birth in November of 2018.

8 Q And similarly, how long has A [REDACTED] been placed with the
9 S [REDACTED]s?

10 A He was placed in late July of 2020.

11 Q Are M [REDACTED] and C [REDACTED] bonded with the S [REDACTED]s?

12 A Yes, they are.

13 Q And can you describe their bond?

14 A Yes. So M [REDACTED] has been with the S [REDACTED]s for the
15 majority of her lifetime. So the S [REDACTED]s to her are
16 mom and dad. She is bonded to them, seeking comfort from
17 them. Earlier on, she had some difficulties with being
18 startled by a lot of noises and would seek comfort in the
19 foster parents like she would from a parent. She is also
20 the mischievous one, so she likes to sneak snacks and
21 things of that nature and just appears well adapted to
22 the household and the caregivers. C [REDACTED] was placed
23 with the S [REDACTED]s later in her life, so at this time,
24 she generally does not call them by mom and dad, but she
25 is very well bonded to them. She enjoys being with her

1 siblings. She enjoys being a helper, which is a lot of
2 her personality and wanting to help. So the S██████████s
3 find some balance in her being a big sister and helping
4 but not taking on a parenting role and not feeling that
5 she has to have that responsibility, but she is well
6 adjusted and adapted into the household.

7 THE COURT: So the record should reflect that
8 Mr. C██████████ is present, and, Mr. C██████████, we are just on like
9 the second question. You know, we waited for about 15
10 minutes, but I did need to get started.

11 Q And are M██████████ and C██████████ bonded with their siblings
12 in the home as well as the other foster child in the
13 home?

14 A Yes, very much so.

15 Q And can you describe what their bond is like?

16 A Absolutely. They all play with one another. Every time
17 I am there for a home visit, they are all together on the
18 couch watching something on TV or playing in the playroom
19 together. Of course, they have their normal typical
20 sibling conflict fighting over toys and things of that
21 nature, but they are always together, and they are always
22 helping one another. Some of them share bedrooms just
23 given age and gender, and they enjoy being together all
24 the time doing activities together. M██████████ and the other
25 foster child are in gymnastics together, and they stay

1 right by one another. So the bond is very clear between
2 the children in the household.

3 Q And does the description you just gave include C [REDACTED]
4 and M [REDACTED]'s bond?

5 A Yes.

6 THE COURT: I am sorry to interrupt. Someone
7 has just entered the Zoom hearing on an iPhone. I don't
8 know if anybody knows who this person is.

9 Ma'am, can you hear the Court?

10 MS. WARD: Judge, I believe that's one of my
11 witnesses, T [REDACTED].

12 THE COURT: Okay. Can you text her and let her
13 know we won't need her until this afternoon?

14 MS. WARD: Yes.

15 THE COURT: I will put her back in the waiting
16 room.

17 MS. WARD: Thank you.

18 THE COURT: I apologize. Go ahead, Mr. Kreger.

19 MR. KREGER: Thank you.

20 Q So if the Court does grant the termination of parental
21 rights petition today, is it very likely that M [REDACTED] and
22 C [REDACTED] will be adopted by the S [REDACTED]?

23 A Yes, it is.

24 Q If for some reason the S [REDACTED] were not able to adopt
25 M [REDACTED] and C [REDACTED], are they adoptable children?

1 A Yes, they are.

2 Q And can you just explain why you say that?

3 A Yes. I would say both C [REDACTED] and M [REDACTED] are children
4 that do not have extensive needs. They are children that
5 I think would be relatively easy to find another
6 placement or resource for that would be appropriate that
7 could meet their needs to be able to find a home for
8 permanence for both children.

9 Q And where was C [REDACTED] placed prior to being placed
10 with the S [REDACTED]s?

11 A She was with her paternal grandma, I [REDACTED] R [REDACTED].

12 Q And why did that placement come to an end?

13 A There was a couple different reasons for that placement
14 to come to an end. The primary was that C [REDACTED] was
15 fearful most nights, and she was crying and had wanted to
16 be with her siblings, and her grandmother, L [REDACTED], had
17 asked if the S [REDACTED]s would be willing to take
18 placement of C [REDACTED] knowing that her sibling
19 connection was the strongest bond and connection that she
20 had, and the S [REDACTED]s were willing to accept placement
21 and have C [REDACTED] be with her siblings. Some of the
22 additional reasons were more so because grandma,
23 L [REDACTED], and her husband wanted to be grandparents.
24 They wanted to be able to do fun things with C [REDACTED]
25 and have her on weekends but not be full-time parents to

1 do a transfer of guardianship, so we were looking for
2 another form of permanency.

3 Q And similarly with M [REDACTED], was she placed -- where was
4 she placed prior to going with the S [REDACTED]s?

5 A She was placed with her paternal aunt, T [REDACTED] M [REDACTED].

6 Q And why did that placement end?

7 A Sure. Those were some of the reasons that I stated
8 yesterday with some of those safety concerns in regards
9 to transporting without a car seat. She had pill bottles
10 within the home within children's reach as a caregiver to
11 her husband. She was also extremely aligned with
12 C [REDACTED]. She did not feel that he was a safety risk to
13 M [REDACTED], so we had concerns about what that would mean in
14 the future if she would have M [REDACTED] long term. Also,
15 T [REDACTED] and B [REDACTED]'s relationship is very strained I
16 guess I would say, so the lack of connection that we felt
17 like M [REDACTED] would have with B [REDACTED] long term if she
18 would be the long-term resource would not be present
19 because of the relationship between B [REDACTED] and
20 T [REDACTED].

21 Q So is there an adoptive resource in place for H [REDACTED]?

22 A Yes, there is.

23 Q And who is that adoptive resource?

24 A That is B [REDACTED] and C [REDACTED] M [REDACTED].

25 Q And how long has H [REDACTED] been with the M [REDACTED]?

1 A She was placed with them recently in December of 2020.

2 Q And have the M [REDACTED] been through the -- or have they been
3 licensed for adoption?

4 A Yes, they have.

5 Q And were there any red flags during their licensing?

6 A No, there were not.

7 Q And are the M [REDACTED] committed to adopting H [REDACTED]?

8 A Yes, they are.

9 Q So who are the caretakers in the M [REDACTED]'s household?

10 A B [REDACTED] and C [REDACTED] M [REDACTED] are both primary caregivers. B [REDACTED]
11 is employed outside of the home full time, and C [REDACTED] is a
12 substitute teacher on occasion, but H [REDACTED] is also in
13 school during the day as well.

14 Q And are there any other children in the household?

15 A Yes, there are.

16 Q How many other children are there?

17 A They have two teen daughters, and then they have a
18 six-year-old daughter as well.

19 Q And so H [REDACTED] hasn't been in that household for that
20 long I guess in the grand scheme of things. How is she
21 doing in that household?

22 A I would say she varies. Overall, she is doing very well.
23 She has returned to in-person school in that household,
24 and being in person for school has been helpful to her.
25 She is significantly behind in school right now, so there

1 has been conversation about her repeating the 2nd grade.
2 She does have in-home therapy at this point in time
3 through Shorehaven because H [REDACTED] does struggle with
4 her behaviors. Her behaviors are often very aggressive
5 where she will become aggressive towards specifically
6 kids her own age and then most often adults as well where
7 she will kick, hit, swing her arms, things of that
8 nature, bite on occasion, and those episodes can last
9 anywhere from a short period of about five minutes to
10 about an hour, and the triggers at this point aren't
11 really known, so they kind of come on occasion here and
12 there, but the M [REDACTED] are working very closely with
13 H [REDACTED]'s school teachers, her therapists and those
14 around her to support her.

15 Q And H [REDACTED] was previously placed with the S [REDACTED]s,
16 correct?

17 A That is correct.

18 Q And how long was she with the S [REDACTED]s?

19 A She was also placed when M [REDACTED] was placed in August of
20 2018.

21 Q And why did that placement eventually come to an end?

22 A So kind of combined reasons, but mostly because
23 H [REDACTED]'s level of need and her behaviors had become so
24 exceptional that the S [REDACTED]s could not meet her needs
25 in conjunction with then the five other children in their

1 home. With H[REDACTED]'s needs and aggression, she was
2 becoming aggressive towards the youngest children, so the
3 two three-year-old's, the two-year-old and the now
4 one-year-old, where she would be aggressive towards them,
5 and there was concern about their safety and being able
6 to mitigate that, so we eventually had to move H[REDACTED]
7 to a different placement.

8 Q And sorry if you already said this and I missed it, but
9 does H[REDACTED] specifically have problems being around
10 other kids?

11 A Yes, she does.

12 Q Can you just kind of explain that to me a little bit?

13 A Yeah. So like I said, her triggers are not known, so
14 that is not clear at this time, but when she shuts down,
15 she will often disengage and walk away and take her
16 space, and when someone doesn't pay attention to H[REDACTED]
17 and just tries to ignore the bad behavior, H[REDACTED] will
18 become rageful and aggressive, swing, hit, kick, mostly
19 with her peers and, like I said, her primary caregivers.
20 So that behavior puts the peers at risk.

21 Q So what is H[REDACTED]'s relationship like with the M[REDACTED]?

22 A I would say it's strong at this point although short.
23 She does reference the M[REDACTED] as her mom and dad. She
24 does seek most often Ms. M[REDACTED] for comfort. During the
25 times that H[REDACTED] is shutting down, she is often going

1 to Ms. M [REDACTED] to be held. So she regresses in her
2 behavior almost like she would be like a two-year-old
3 where she wants to be held and rocked. So Ms. M [REDACTED] is
4 very good at meeting those needs and just meeting
5 H [REDACTED] where she is at to help in those moments.

6 Q And how does H [REDACTED] interact with the other kids in the
7 household?

8 A In the current household?

9 Q Yes.

10 A She does really well with the older teen girls. They are
11 busy teenage girls. They are out of the house working
12 and engaged in sports, and H [REDACTED] doesn't really have
13 any issues with those girls. She does struggle a little
14 bit with the six-year-old. H [REDACTED] really seems to
15 struggle in her social skills in general with her peers,
16 and that is something that she is working on developing,
17 but she will say things like she doesn't like her or she
18 hates her or does not share well with her, things of that
19 nature. So that is something that they are still working
20 on as the girls kind of navigate their new relationship
21 as well.

22 Q So how likely would you say that it is that H [REDACTED]
23 would be adopted if a termination of parental rights
24 petition were granted today?

25 A I think it would be likely.

1 Q So there is also an ICPC going on I believe in
2 California; is that correct?

3 A That is correct.

4 Q And who is that with?

5 A Her name is T [REDACTED] J [REDACTED]. She is a paternal aunt to
6 H [REDACTED]

7 Q And when did that ICPC begin?

8 A The initial process I believe started in early February
9 of 2021, and it was completed and submitted by the state
10 late February, early March of 2021.

11 Q And when did Ms. J [REDACTED] reach out to you about
12 placement?

13 A I had reached out to her.

14 Q When did that happen?

15 A I reached out to her late November of 2020 or December of
16 2020 when things were not looking well with H [REDACTED] s
17 placement with the S [REDACTED] s based on her aggression
18 and the risk to the other children, and I was looking
19 into alternative placement planning for H [REDACTED].

20 Q And so is Ms. J [REDACTED] an adoptive resource?

21 A At this point in time, she verbalizes her interest in
22 being a placement and possible adoptive resource. She is
23 not licensed at this point to be eligible to be a
24 permanent or an active resource.

25 Q And how much has Ms. J [REDACTED] interacted with H [REDACTED]?

1 A Not at all or at least for the lifetime of this case, I
2 should say. From what I do know, she said she saw
3 H[REDACTED] about six months or so prior to H[REDACTED]'s
4 removal, so that would have been sometime in late 2017.
5 During the time of interacting with T[REDACTED] by phone, she
6 did mention that she would be in the Milwaukee area, and
7 I believe that was sometime in March of this year, so I
8 talked to her about coordinating to spend some time with
9 H[REDACTED] while she was here, as we were looking at her
10 being a placement, and unfortunately, I never heard from
11 her. So I am not sure if she did actually come to
12 Milwaukee or if that fell through, but H[REDACTED] did not
13 see T[REDACTED] at that point in time.

14 Q And do you have any concerns about Ms. J[REDACTED] as a
15 placement?

16 A I would say my concern is more so in regards to her being
17 licensed and for H[REDACTED] specifically. I think T[REDACTED]
18 presents very well. The reason that she was not a
19 placement or deemed eligible or considered for placement
20 earlier was because she was in active military at that
21 time, and she was being deployed, so she was not going to
22 be in a place where we could go through the licensing
23 process with her earlier on in this case. So she seems
24 to have her life all put together, but my concern is that
25 she has a two-bedroom home that I do have some concern

1 for licensing because she has a three-year-old son. So
2 with the genders and ages, I don't believe that H [REDACTED]
3 and her son would be able to share a bedroom. My other
4 concern is that H [REDACTED]'s behaviors are substantial, and
5 specifically, H [REDACTED]'s behaviors with kids pose a
6 danger. So I do have concern about how H [REDACTED] would be
7 in a household with a three-year-old child and how that
8 would put T [REDACTED]'s son at risk potentially and what that
9 would look like for both H [REDACTED] and then T [REDACTED]'s son.

10 Q And so based on your experience with this case and
11 H [REDACTED], where would you recommend that she remain at
12 this point?

13 A I think the more stable and consistent things can be for
14 H [REDACTED], the better for her and specifically for her
15 mental health. I think her staying with the M [REDACTED]s is
16 ideal. The M [REDACTED]s also have built a relationship with
17 the S [REDACTED]s. H [REDACTED] often talks about wanting to
18 go home, which to her is the S [REDACTED]'s home. So the
19 M [REDACTED] do a lot of work to make sure that H [REDACTED] is
20 going to see K [REDACTED] and M [REDACTED] and her siblings to maintain
21 that connection while giving H [REDACTED] a safe and stable
22 placement.

23 Q So when M [REDACTED] was removed, was there -- did she have any
24 physical health issues?

25 A Not physical health that I recall. She was assessed by

1 Birth to 3 and did have a speech delay, so she had
2 received speech services for that need, but that was the
3 only physical health need.

4 Q Since her removal, has she had any major physical health
5 issues?

6 A No, she has not.

7 Q Have the S██████████s been attentive to making sure she
8 has routine medical care?

9 A Absolutely, they have.

10 Q Has M██████████ ever had any mental health, emotional or
11 behavioral issues?

12 A Just that brief time where she was almost like overly
13 startled by loud noises, so that was something that was
14 assessed by an early mental health professional in
15 regards to her needs.

16 Q Did she end up receiving any treatment after that
17 assessment?

18 A No, it was more of a short-term support to the foster
19 parents in terms of how to respond when M██████████ had those
20 moments to make sure she had that care, comfort and
21 security, which then the behavior subsided and no
22 additional support was needed.

23 Q When H██████████ was removed, did she have any physical
24 health issues?

25 A No physical health, most of her needs were dental.

1 Q So since her removal, has she received dental treatment?

2 A Yes, she has.

3 Q Just without too much detail, how much dental treatment
4 or what has she received?

5 A She had not been to a dentist for a period of time prior
6 to removal, so she had some teeth that needed to be
7 pulled and some kind of like day surgery type of dental
8 work that she had to have done which has been completed
9 for her.

10 Q And since she has been placed with the M [REDACTED], have they
11 been responsive to her medical and dental needs?

12 A Yes, they have.

13 Q Now, when C [REDACTED] was removed, did she have any
14 physical health issues?

15 A No.

16 Q And since her removal, has she developed any physical
17 health issues?

18 A The only thing that I could think of is that she had an
19 accidental fall and broke her arm in about March, April
20 of 2020, which was treated and followed up with and was
21 completed with no further issues.

22 Q And when did that fall occur?

23 A That was in March or April of 2020.

24 Q All right. I am sorry, where did it occur?

25 A That was at the S [REDACTED]'s home. She was riding either

1 her bike or her scooter in the driveway and just had an
2 accidental fall and as a result had broke her arm.

3 Q Did you have any concern about supervision or care at the
4 S██████████s based on that?

5 A No, it was just an accidental fall.

6 Q And have the S██████████s been attentive to her routine
7 medical needs?

8 A Yes, they have.

9 Q Has C██████████ had any mental health, emotional or
10 behavioral issues?

11 A More so at the beginning of the case, she had been seen
12 at a children's clinic briefly for an adjustment
13 disorder, more so just the adjustment of being removed
14 from her mom's home to being with grandma and grandma
15 being the primary caregiver. She also had disclosed
16 sexual abuse from her then stepbrother in the family home
17 prior to her removal. So she was seen for mental health
18 support during that time. She was successfully
19 discharged I would say about four to six months after
20 treatment began. We did have her resume therapy while
21 she was placed with the S██████████s in 2019 again really
22 just as additional support with that transition and
23 change in her life and her structure, which again was a
24 very brief term of treatment. I think that one was about
25 two, maybe three months really just to help her with that

1 change.

2 Q So we have already talked about some of this with
3 H [REDACTED], but is there anything else that you would add
4 about H [REDACTED]'s mental health, emotional or behavioral
5 issues?

6 A What I would add with H [REDACTED]'s mental health is that
7 when it is not managed through treatment is when we saw
8 that she went to Rogers. Things escalated very quickly.
9 I would also add that she is on Clonidine prescribed by
10 her primary care doctor, and that makes a notable
11 difference for her. Most specifically, if she is not
12 taking that medication, it is almost guaranteed that she
13 will spike in her behaviors when she is not on that
14 medication.

15 Q And is H [REDACTED] in therapy?

16 A Yes, she is.

17 Q And I guess is that therapy having an impact at all on
18 her behavior?

19 A Yes, it's been very helpful to her.

20 Q So I guess knowing about all of the needs that M [REDACTED] and
21 C [REDACTED] have had or may have, are the S [REDACTED]'s
22 still open to adopting C [REDACTED] and M [REDACTED]?

23 A Yes, they are.

24 Q And with knowing about H [REDACTED]'s needs and the extent of
25 them, are the M [REDACTED] still open to adopting H [REDACTED]?

1 A Yes, they are.

2 Q So how often are M [REDACTED] and C [REDACTED] and H [REDACTED]
3 having visits with Ms. M [REDACTED]?

4 A Their visits are currently twice a week on Wednesdays and
5 Fridays for four hours.

6 Q And I guess is Ms. M [REDACTED] consistent in those visits?

7 A I would say more sporadic. Consistency really depends on
8 the period of time.

9 Q Throughout this case, has she been inconsistent in
10 visits?

11 A Yes.

12 Q Will she -- what reasons does she give for missing
13 visits?

14 A I would say the two most common are that she has to work
15 or a lack of transportation.

16 Q And have you tried to work with her about those issues?

17 A Yes, I have.

18 Q How are the visits currently impacting the girls or do
19 you think they have an effect?

20 A The only one that I would really say it has a substantial
21 effect on is H [REDACTED]. Last week specifically, both of
22 mom's visit days were the two days that H [REDACTED]'s
23 behavior had spiked. She was aggressive. At one point,
24 she had opened the car door and tried to jump out of the
25 car as it was moving. So we see substantial things from

1 her. H [REDACTED] had indicated in talking to Ms. M [REDACTED] and
2 Ms. M [REDACTED] trying to understand, you know, what was going
3 on, what was she thinking about, H [REDACTED] had said that
4 mom told her there was a big court date this week and
5 that court this week would decide if H [REDACTED] could live
6 with her.

7 Q Have you ever considered talking with H [REDACTED]'s
8 therapist about the impact that visits are having on her?

9 A Yes. Last fall before she had -- or actually, during the
10 time of Rogers and when she was in outpatient therapy
11 with Carissa Vogel, we had done a lot of planning around
12 visitation with B [REDACTED] for H [REDACTED] given her mental
13 health and given the spike where she had gone to Rogers
14 and given the stress that visits were seeming to have on
15 H [REDACTED] because H [REDACTED] was saying that visits were too
16 much for her.

17 Q Would you say that -- I guess you didn't discuss each
18 girl separately, but would you say that each girl has a
19 substantial relationship with Ms. M [REDACTED]?

20 A I think that each child definitely does have a
21 relationship with B [REDACTED]. I think where we think
22 about the legal substantial relationship, I would say no.

23 Q Would each girl be harmed if the relationship -- if the
24 legal relationship with Ms. M [REDACTED] were severed?

25 A I would say no. Again, whether each child individually

1 would want to or it would be helpful to them to maintain
2 a relationship of some sort, both respective foster homes
3 for the three girls have had numerous conversations with
4 me about maintaining a relationship of some sort with
5 B██████████

6 Q So for M██████████, how often does she visit Mr. W██████████?

7 A Those are currently set up every other week for
8 30 minutes.

9 Q And how do those visits occur?

10 A Those occur virtually right now.

11 Q And I guess how do those visits go?

12 A So most often, we have M██████████ sitting with K██████████ in the
13 dining room area in their home, and K██████████ helps M██████████ to
14 have toys, coloring books and things of that nature to
15 have on the table to show Mr. W██████████, engage with him
16 and things of that nature, and M██████████ will often interact
17 with K██████████, and K██████████ will kind of redirect for the
18 engagement to be focused with Mr. W██████████. She will
19 reference Mr. W██████████ as dad, and K██████████ and M██████████ do a
20 lot of work around calling Mr. W██████████ dad in their
21 household for her. M██████████ I think more so when those
22 visits started, she was more reluctant, like she would
23 hide under the table or kind of scoot away from the
24 computer screen, but I think that has gotten better over
25 time.

1 Q And do you know how long Mr. W [REDACTED] is going to be in
2 custody?

3 A His initial confinement was six years when he was
4 sentenced in October of 2018.

5 Q And are you aware of any constraints on whether
6 Mr. W [REDACTED] may interact with children?

7 A Not with M [REDACTED], but with other children, yes.

8 Q And what do you mean by that or what are the concerns?

9 A Yeah, absolutely. So as part of his criminal case, he
10 has a no contact order with his other son, C [REDACTED]
11 Junior, with C [REDACTED] M [REDACTED] and with H [REDACTED] J [REDACTED].

12 Q So would you say that M [REDACTED] has a substantial parental
13 relationship with Mr. W [REDACTED]?

14 A I would say there is a relationship, but I would say
15 there is not a substantial parental relationship.

16 Q And would M [REDACTED] be harmed if the legal relationship with
17 Mr. W [REDACTED] were severed?

18 A No, and again, Ms. S [REDACTED] and Mr. S [REDACTED] do have
19 plans to continue that relationship for M [REDACTED] if the
20 relationship is legally severed. I have already been
21 working with both Mr. W [REDACTED] and the foster parents to
22 get the visitor forms to get that set up as
23 nonprofessional visits in anticipation of this court
24 hearing this week, that everything would be set to go as
25 nonprofessional visits moving forward.

1 Q So does M [REDACTED] have any contact with extended family
2 members?

3 A No, she does not.

4 Q Have there been any extended family members who have
5 reached out for contact with M [REDACTED]?

6 A There had been B [REDACTED] M [REDACTED], and I apologize, I don't
7 recall the relationship. I believe she is related
8 through marriage of T [REDACTED]'s husband, and she had been
9 interested in placement of M [REDACTED] to have M [REDACTED] be with
10 family. The foster parents did write a letter and send
11 pictures, and contact information was exchanged, but
12 there has been no contact with M [REDACTED].

13 Q Why did that placement not proceed?

14 A That was litigated in front of Judge Sanders, and a large
15 portion I think of that decision was that M [REDACTED] was
16 placed with her siblings and also had been placed with
17 the S [REDACTED]s for the majority of her life that we did
18 not move her at that time.

19 Q Would M [REDACTED] be harmed if the legal relationship with her
20 extended family were severed?

21 A No.

22 Q So moving on to Mr. J [REDACTED], how often does Mr. J [REDACTED]
23 have visits with H [REDACTED]?

24 A His visits currently are two hours every Sunday.

25 Q And is he consistent in those visits?

1 A No, he is not.

2 Q I guess how many would you say that he has attended or
3 how often?

4 A I would say in the last two months, a rough estimate
5 would probably be about 75 percent attended.

6 Q How long have those visits been set up for?

7 A With Lad Lake, I think about two months.

8 Q And I guess why would you say they weren't set up prior
9 to that?

10 A He had been with Milwaukee Area Parent Services prior to
11 that, and he had been discharged due to his
12 inconsistency.

13 Q Would you say -- or has Mr. J [REDACTED] ever proceeded to
14 more visits, hours or partially supervised visits?

15 A The hours have varied, so I can recall different points
16 of time where he has had more hours. More of that has
17 had to do with his availability with his work schedule as
18 well as his consistency. He has not progressed to
19 partially supervised visits during this case.

20 Q And why would you say that he has been unable to progress
21 to partially supervised visits?

22 A In part because of the inconsistency in visits. The
23 other part because of his lack of engagement in services
24 and the behavioral change to be able to move forward in
25 his visitation.

1 Q Would you say that H [REDACTED] has a substantial
2 relationship with Mr. J [REDACTED]?

3 A I would say there is some relationship but not
4 substantial.

5 Q Do you mind just explaining that a little bit?

6 A Absolutely. So like I talked about yesterday, there has
7 been periods of time where Mr. J [REDACTED] has not been
8 present, and those periods of time at times have been
9 about six months. So H [REDACTED]'s relationship with
10 Mr. J [REDACTED] has really been inconsistent to say that
11 there is any sort of significant relationship. I do
12 think that she has a relationship in the sense that when
13 he has been absent and it's been some time, she will ask
14 questions about where her dad is or when she could see
15 him and things of that nature, and she has at times been
16 excited to go to visits. At other times, she refuses to
17 go to visits because she is mad that he didn't show up
18 and hasn't been there. So I think she has had a very
19 natural and normal response, but I don't think that
20 relationship is significant.

21 Q Would H [REDACTED] be harmed if the legal relationship with
22 Mr. J [REDACTED] were severed?

23 A No, I don't believe so.

24 Q So what extended family members, if any, does H [REDACTED]
25 have contact with?

1 A She has had minimal but some contact with K [REDACTED] J [REDACTED].
2 K [REDACTED] had been going through the licensing process back
3 in 2018 when H [REDACTED] was with the S [REDACTED]s, and when
4 she was going through the licensing process is when
5 B [REDACTED] had F [REDACTED], and F [REDACTED] was also placed in
6 out-of-home care, and we were looking to keep these
7 siblings together, and K [REDACTED] had at that point three
8 boys of her own, so she knew that she wasn't in a
9 position that she was able to take placement of three
10 more children, but she wanted to maintain a relationship,
11 so we worked on setting up times where she would be able
12 to pick H [REDACTED] up from Ms. S [REDACTED]'s home to take
13 her to one of her boys' basketball games or things of
14 that nature, which unfortunately K [REDACTED] had not followed
15 through with for some time. In October of 2020 was the
16 first time that she then followed through with a visit
17 where she had both H [REDACTED] and C [REDACTED] come over for
18 like a Halloween party at her home, so K [REDACTED] has had
19 some connection but not substantial.

20 Q Would H [REDACTED] be harmed if the legal relationship with
21 any of her extended family were severed?

22 A I don't believe so.

23 Q And so how often does H [REDACTED] see her siblings now?

24 A H [REDACTED] is seeing them twice weekly at B [REDACTED]'s
25 visits. The M [REDACTED] are generally coming down every other

1 weekend with H[REDACTED] right now for H[REDACTED] to come to
2 the S[REDACTED]'s home to spend the night or just to
3 visit, things of that nature, to stay in touch with her
4 siblings as well.

5 Q So the M[REDACTED] and the S[REDACTED]s are interacting or
6 making efforts to continue visits outside of Ms. M[REDACTED]'s
7 visits?

8 A Yes, they are.

9 Q Is that something that you have discussed -- or have you
10 discussed the future of doing that with both sets of
11 foster parents?

12 A Absolutely, yes.

13 Q And I guess what were their responses?

14 A They essentially looked to kind of create an informal
15 kind of family structure between of the two of them if
16 they would be the adoptive resources for the respective
17 children where they would be kind of like an aunt to the
18 children that are not in their home and that the children
19 would stay connected. There would still be like slumber
20 parties. They would still be invited to one another's
21 birthday parties. They would do holiday things together,
22 things of that nature, so these children would still have
23 contact with one another.

24 Q Is H[REDACTED] seeing her siblings something that is
25 important to her?

1 A Yes.

2 Q Would H [REDACTED] be harmed if the legal relationship with
3 her siblings were severed?

4 A I don't believe if the legal relationship was severed. I
5 think if she would not have contact with her siblings
6 again, that would negatively affect her.

7 Q So moving on to Mr. C [REDACTED], how many visits does
8 C [REDACTED] have or how often does C [REDACTED] have visits
9 with Mr. C [REDACTED]?

10 A There is not in-person visits set up right now, so phone
11 calls occur sporadically. If I had to give a rough
12 estimate, I think it would probably be fair to say that
13 he generally calls once a week at least.

14 Q And how do those calls go?

15 A I think they overall go well. J [REDACTED] is really
16 appropriate in his conversations with C [REDACTED].
17 C [REDACTED] is excited to hear from him. They play like
18 games over the phone kind of thing, and I have no
19 concerns that I can report from their phone contact.

20 Q Why would you say that visits are not in person right
21 now?

22 A Unfortunately, since J [REDACTED]'s release from being in
23 custody in mid January of this year, he has not reached
24 out to me to set up any in person. I have talked with
25 his mom about the times that C [REDACTED] is over with her,

1 her supervising contact or having him see C [REDACTED].
2 C [REDACTED] also has been disappointed in the past when
3 things are scheduled with her dad and he doesn't show up
4 for her or isn't there, so we have really done a lot of
5 work in planning around C [REDACTED] kind of being more
6 surprised and excited when dad is there versus her having
7 knowledge of a visit and then possibly being
8 disappointed.

9 Q Does C [REDACTED] have a substantial relationship with
10 Mr. C [REDACTED]?

11 A No.

12 Q Can you explain your answer?

13 A Yes. So I think she has a relationship with him. Again,
14 she is like H [REDACTED] where she will ask me where is he or
15 when can I see him, things of that nature, but there has
16 also been times where she has been very disappointed when
17 dad is not there or she hasn't seen dad in a long time.
18 So I do think there is a relationship, but I don't think
19 there is a substantial legal relationship.

20 Q Would H [REDACTED] be harmed if the legal relationship with
21 Mr. C [REDACTED] were severed? I am sorry, would C [REDACTED] be
22 harmed?

23 A No, I don't believe so.

24 Q So does C [REDACTED] have contact with any extended family
25 members?

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John Barrett
Clerk of Circuit Court
2019TP000225

1 A Yes, she does.

2 Q Who does she have contact with?

3 A She most often has contact with her grandma, I [REDACTED]
4 R [REDACTED]. She also has some paternal aunts. I often
5 hear about her aunt F [REDACTED] and then her aunt D [REDACTED] who
6 she often sees when she is with grandma.

7 Q And have any of her side of the family members stepped
8 forward and asked for placement of C [REDACTED]?

9 A Just one since C [REDACTED] was moved from L [REDACTED].

10 Q And who is that?

11 A Her name is B [REDACTED] R [REDACTED]. She is a paternal great
12 grandmother to C [REDACTED].

13 Q And has she asked for placement of just C [REDACTED] or has
14 she asked for the other children as well?

15 A Initially, it was just for C [REDACTED]. I had a
16 conversation with her, and she had said she would be open
17 to placement of then all five siblings together. She was
18 not licensed and unfortunately not a relative to the four
19 other children, and the four other children obviously
20 have a substantial relationship and were placed together
21 with the S [REDACTED]s. So I talked to B [REDACTED] about keeping
22 in touch with C [REDACTED] and continuing a relationship
23 but us not looking to recommend to either split the
24 siblings up for placement or to move all five siblings.

25 Q And do you have any concerns about -- I'm sorry, I can't

1 remember -- B [REDACTED], what is her last name?

2 A I believe it's B [REDACTED] R [REDACTED].

3 Q R [REDACTED]. Do you have any concerns about Ms. R [REDACTED] as
4 a placement for C [REDACTED]?

5 A I guess I don't know that I can answer that question with
6 a yes or a no only because I don't know too much about
7 her. I know that J [REDACTED] had lived with her during
8 periods of time through this case. She was polite in my
9 conversation with her, but I don't have substantial
10 information about her to be able to say if she is safe
11 and appropriate and if there would be concerns for
12 placement.

13 Q So I guess when is the last time that you spoke to
14 Ms. R [REDACTED]?

15 A I believe that was around October or November of 2020.
16 As a general guess, I think about six months ago.

17 Q Has she followed up with you at all since then in regards
18 to licensing or anything else?

19 A No.

20 Q Does C [REDACTED] -- how often does C [REDACTED] see
21 Ms. R [REDACTED]?

22 A At a minimum, at least once a month, sometimes more
23 often. Sometimes it's as often as every other weekend
24 and during the week, things of that nature.

25 Q Does C [REDACTED] say that she ever wants to live with

1 Ms. R [REDACTED]?

2 A She has at times, yes.

3 Q And I guess where does C [REDACTED] say that she really
4 wants to live or what has she said?

5 A It's varied I think between the S [REDACTED]s and grandma,
6 L [REDACTED] R [REDACTED]. She looks at the S [REDACTED]'s home as
7 home with her siblings, and she is well adjusted there,
8 but I also think she loves her grandmother, and I think
9 her grandmother spends a significant amount of time with
10 her, and grandma's home had been her home for a period of
11 time, so I think there is some conflicting views in her
12 head on where she wants to be at times.

13 Q And how do you respond to her when she talks about living
14 with her grandmother?

15 A So we have just talked about grandma being someone who
16 loves her and cares about her and spending time with
17 grandma and home being with F [REDACTED] and M [REDACTED] with her
18 siblings, just reenforcing that it's okay to love, you
19 know, both the S [REDACTED]s and grandma and still see
20 everyone just to kind of give her that space and validate
21 her as well.

22 Q And has C [REDACTED] ever said that she wants to live with
23 Ms. B [REDACTED] R [REDACTED]?

24 A No, she has not.

25 Q So would C [REDACTED] be harmed if the legal relationship

1 with her extended family members were severed?

2 A I don't think if it were legally severed, it would be
3 harmed. Again, if she would lose contact with her
4 extended family, it would be. Since C [REDACTED] has been
5 placed with the S [REDACTED]s since day one, L [REDACTED] was
6 actually there moving C [REDACTED] in, and it was a family
7 affair, and they have maintained contact, had a
8 relationship and continued to set up visits without any
9 involvement from me.

10 Q And I did want to ask because effectively, the legal
11 relationship would be severed between C [REDACTED] and
12 H [REDACTED], would that harm C [REDACTED]?

13 A I don't think so. I think the harm again would be if she
14 didn't have contact with H [REDACTED]. So I foresee that
15 being the case. I have not heard that it wouldn't. It
16 has continued despite any involvement from me, and I
17 think both foster homes are committed to maintaining a
18 relationship even if legally severed.

19 Q So we talked about C [REDACTED]'s kind of wishes in regards
20 to where she could live, but has anyone ever had a
21 conversation with her about specifically adoption?

22 A I don't believe so, no.

23 Q And so with H [REDACTED], has H [REDACTED] expressed where she
24 would like to live?

25 A Yes.

1 Q What has H█████ stated?

2 A Most often that she wants to live with K█████ and Ma█████

3 Q And I guess when she says that, what conversation do you
4 have with her?

5 A We have a lot of conversations around it's okay to miss
6 K█████ and Ma█████ and that she loves K█████ and Ma█████, and
7 K█████ and Ma█████ stay in touch with her. They visit with
8 her and things of that nature, and we just reenforce that
9 right now home is with E█████ and C█████ and that is where
10 she lives and that is where she sleeps just again to
11 allow her that space because she is grieving the loss of
12 what was her foster home for a significant period of
13 time.

14 Q And is Ma█████ old enough have to understand adoption?

15 A No, she is not.

16 Q If Ma█████ has ever said anything about where she wants to
17 live, what has she said?

18 A She has never said anything. I guess the only thing I
19 can really speak to on that one is she calls K█████ and
20 Ma█████ mom and dad. She references all of the children in
21 the home, even the foster child that she is not related
22 to, as her sister.

23 Q And none of the children have ever returned to any of the
24 biological parental homes; is that correct?

25 A That is correct.

1 Q So does M [REDACTED] express any memory of her time prior to
2 being in foster care?

3 A Ma [REDACTED] does not, no.

4 Q Does H [REDACTED] express any memories of her time prior to
5 being in foster care?

6 A Yes, she does.

7 Q What does she express either positive or negative?

8 A Most often, she will have moments where she references
9 memories of Mr. W [REDACTED] and violent events. She has
10 referenced and talked about recently the passing of her
11 brother K [REDACTED] and the aggression connected with
12 Mr. Wi [REDACTED] in regards to K [REDACTED]. She has referenced
13 Mr. W [REDACTED] being mean to Junior, which was her
14 stepbrother, and Mr. W [REDACTED] being mean to her mom.

15 Q And for C [REDACTED], same question, what memories does she
16 express prior to being in foster care either positive or
17 negative?

18 A She has expressed some memory. She talked about how she
19 has like some burn marks on her body, and she has
20 referenced that those burn marks are from violent acts
21 from Mr. W [REDACTED]. She had talked about staying in a
22 hotel and her and H [REDACTED] having to stand in the corner
23 and look away while Mr. W [REDACTED] and Ms. M [REDACTED] engaged
24 in what they had outlined as some sexual acts in more of
25 an age-appropriate explanation. She also referenced the

1 sexual abuse that she reported that had occurred from her
2 stepbrother Junior when she was living with Ms. M[REDACTED]
3 and Mr. W[REDACTED].

4 Q So I guess at this point, what would you say are the
5 safety concerns that persist with Ms. M[REDACTED]?

6 A With Ms. M[REDACTED], I think overall it's a lack of unmanaged
7 mental health and drug and alcohol addiction and her lack
8 of motivation to consistently and routinely take care of
9 herself to be able to have the motivation to be there and
10 to show up and be available to parent her children on a
11 full-time, consistent basis and meet their daily needs.

12 Q And what concerns do you have at this point about
13 Ms. M[REDACTED]'s drug use?

14 A My concerns are that during her last UA's that she was
15 attending between August and December, although
16 inconsistent, the last one was positive in December, and
17 she reports that she had stopped using drugs at that time
18 but has not provided a urine screen since then; and
19 interactions that Family Support has had with her on at
20 least two different occasions, one, B[REDACTED] seemed
21 substantially under the influence, and the second, the
22 home that Ms. M[REDACTED] was met at had a very strong odor of
23 marijuana.

24 Q Do you have concerns regarding her mental health at this
25 point?

1 A Yes, I do.

2 Q Can you just explain that briefly?

3 A Yes. B [REDACTED]'s involvement in services to manage her
4 mental health has been minimal and sporadic. As of
5 December, 2020, her therapist had reported that she was
6 attending consistently, although the months prior to
7 that, B [REDACTED] was not attending consistently. When
8 she would attend, often, the appointment was brief.
9 B [REDACTED] would be present for maybe five to 15, 20
10 minutes before she would have to end the session to
11 resume work or begin work, so it just seemed that
12 B [REDACTED]'s motivation was more focused on her
13 employment than it was on herself.

14 Q And do you have any safety current concerns as of now
15 about Mr. W [REDACTED]?

16 A Yes.

17 Q And can you just explain those?

18 A Yes. So I think that given the information of this case
19 and the information that has continued to be shared also
20 from the girls, I question his stability from a mental
21 health standpoint of the extreme violence and aggression
22 that was occurring, and I think there needs to be more
23 assessment of that when he is not in a controlled,
24 structured setting such as being in custody. I also have
25 concerns because as we heard B [REDACTED] say, he and

1 B [REDACTED] were using Percocet daily prior to these
2 children's removal, and Mr. W [REDACTED] had said that's not
3 true, but I don't have any information to support if
4 that's accurate.

5 Q And Mr. W [REDACTED] isn't going to be available to parent
6 M [REDACTED] for at least several years, correct?

7 A That is correct.

8 Q With Mr. J [REDACTED], do you have any safety concerns that
9 persist as to him?

10 A Yes.

11 Q And what are those concerns?

12 A I think his lack of consistency. Again, similar to that,
13 the motivation piece, and I think when we specifically
14 talked about H [REDACTED], he has not been involved despite
15 him having the information to connect with H [REDACTED]'s
16 mental health providers to really understand her mental
17 health needs and to meet those needs and his inconsistent
18 presence. I don't think he is available or has the
19 motivation to meet her day-to-day basic needs.

20 Q And finally, with Mr. C [REDACTED], do you have any safety
21 concerns that persist as of today?

22 A Yes.

23 Q What concerns do you have?

24 A Again, that inconsistency and that lack of motivation to
25 be consistently present for his daughter to be able to

1 provide and meet her needs on a consistent day-to-day
2 basis.

3 Q And has Mr. C [REDACTED] engaged in services during this case?

4 A In part, yes, there has been some.

5 Q And have you been provided with certificates in regards
6 to services that he has completed?

7 A Yes, I have.

8 Q And even though he has completed those services, why do
9 you still have safety concerns that persist?

10 A I think it's just his consistency at this point. Like I
11 said, he has been in custody about 50 to 60 percent of
12 the time for the duration of this case, but even when he
13 is out of custody and available, he is not consistently
14 present for C [REDACTED]. So I think when he interacts
15 with her, he does extremely well. I think he has the
16 capability to interact and parent, but he does not
17 demonstrate that, so we don't see that ability for him to
18 meet her needs day to day to ensure her safety.

19 Q If the Court were to not grant the termination of
20 parental rights petition, is it likely that all three
21 girls would remain in foster care?

22 A Yes.

23 Q And why do you say that?

24 A This case has been open since March of 2018, and the only
25 brief period of time that things were moving forward was

1 about that six-month window with B██████████ where we had
2 progressed to partial-supervision visits, but otherwise,
3 safety concerns have continued to exist as I described
4 for each of the three respective fathers and B██████████.
5 We have had ongoing movement and safety concerns given
6 the status of the case.

7 Q If the Court does grant the termination of parental
8 rights petition, is it likely that each child would enter
9 into a more stable and permanent family relationship?

10 A Yes.

11 Q And did you prepare a report to the Court regarding the
12 termination of parental rights in this case?

13 A Yes, I have.

14 Q And that was some time ago as of today, right?

15 A Yes.

16 Q Is it still true and accurate as of today?

17 A Yes.

18 Q Do you believe that it's in the best interest of each of
19 these children that their biological parents' rights be
20 terminated?

21 A I do.

22 MR. KREGGER: I have no further questions.

23 THE COURT: All right. Thank you.

24 Why don't we take about a 10-minute break, and it
25 looks like there is a bunch of people in the waiting

1 room. I would ask the lawyers to work with Madam Clerk
2 and those people in the waiting room while we are on
3 break to kind of figure out what needs to be done with
4 them and what needs to be communicated to them. So we
5 are off the record.

6 (Whereupon, there was a break in the
7 proceedings.)

8 THE COURT: All right. Welcome back.

9 Mr. W [REDACTED] and Mr. Lehto, we are going to get
10 started here in just a sec.

11 Ms. Strigenz, where did your client go?

12 MS. STRIGENZ: I am not quite sure, Judge.

13 THE COURT: Can you let him know we are going
14 to get started?

15 MS. STRIGENZ: Sure.

16 THE COURT: Thank you.

17 (Off the record.)

18 THE COURT: All right. Folks, we are going to
19 go ahead and go back on the record.

20 Mr. Lacera, do you have any questions for
21 Ms. Miller?

22 MR. LACERA: I do. Just a few, Your Honor.

23 THE COURT: Thank you. Go ahead.

24 E X A M I N A T I O N

25 BY MR. LACERA:

1 Q Ms. Miller, you mentioned that sibling visits are very
2 important to H[REDACTED]. Would those visits be impacted if
3 she were to move to California with the aunt,
4 Ms. J[REDACTED]?

5 A Yes, they would.

6 Q Do you know if there has been a plan discussed with
7 Ms. J[REDACTED] about what contact would look like between
8 siblings?

9 A Somewhat in just the early stages of planning. She has
10 some family here, so she does say that she does travel to
11 Milwaukee on occasion. She also currently is still in
12 the military but not active duty right now, so she had
13 vocalized more longer term that her plan is to come back
14 to Milwaukee, but it sounds like that would be something
15 that could take a few years' time to have happen.

16 Q Okay. So is it likely that the weekly in-person
17 visits -- is it likely that they would continue if
18 H[REDACTED] moved to California?

19 A No.

20 MS. STRIGENZ: Objection, leading.

21 THE COURT: Sustained.

22 Q Moving on, you mentioned that H[REDACTED] made some comments
23 about Mr. J[REDACTED] not showing up. What types of comments
24 does she make?

25 A She will talk about being mad at him and how he wasn't

1 there and how he was supposed to be there and he didn't
2 arrive. She will talk about him never being there, just
3 some pretty I would say kind of blanket statements just
4 out of frustration and anger when he doesn't arrive for
5 visits or when he is gone for a period of time.

6 Q Do you recall when she started making these comments?

7 A I would say back starting in 2018 when C ██████ moved to
8 Arkansas for six months is when some of those original
9 statements started. They have been probably more
10 profound in the last two months with some of his
11 inconsistent attendance and visits.

12 Q And I am sorry if you just mentioned this, but she
13 continues to make these comments?

14 A Yes.

15 Q Moving on now, are the S ██████s required to set up
16 visits between C ██████ and her paternal grandmother?

17 A No.

18 Q Is there any sort of order in place for this?

19 A No.

20 Q Do you believe that it is likely that this contact will
21 continue if the children are adopted?

22 A Absolutely.

23 Q And likewise for the other relatives, do you think that
24 contact would continue if either of the placements
25 believed that it was in the children's best interest?

1 A Yes, I do.

2 Q How long has Mr. W [REDACTED] been incarcerated?

3 A Since June of 2018.

4 Q Okay. And do you know his release date?

5 A I don't know his release date. I know he was sentenced
6 in October of 2018 for six years of initial confinement.

7 MR. LACERA: I have no further questions.

8 Thank you.

9 THE COURT: Thank you.

10 Ms. Ward, would you like to go next?

11 MS. WARD: That's fine. Thank you.

12 E X A M I N A T I O N

13 BY MS. WARD:

14 Q Ms. Miller, C [REDACTED] lived with mom for about six
15 years; is that correct?

16 A With the exception of the period of time that L [REDACTED]
17 R [REDACTED] had the private guardianship.

18 THE COURT: And let me ask, Ms. Ward, do you
19 prefer to use the podium? It's really up to you.

20 MS. WARD: No. I am fine. Thank you.

21 THE COURT: Okay. Very good. Thank you.

22 Q So that is a substantial amount of time to have a
23 relationship, correct?

24 A Yes.

25 Q Six years? But you testified that mom doesn't have a

1 substantial relationship with C [REDACTED]?

2 A Yes. C [REDACTED] has been out of the home for the last
3 three-year period, so that relationship during the last
4 three years has not looked the same that it had prior to
5 her removal, and it has been less substantial and I don't
6 believe a legally substantial relationship. I do believe
7 there is still a relationship though.

8 Q So you are discounting the first six years of her life
9 then?

10 A I am not discounting. I think there is still a
11 relationship. I do believe C [REDACTED] still does look at
12 B [REDACTED] as her mother, as her biological mother, but I
13 don't believe that that relationship has been a
14 substantial relationship within the last three-year
15 period.

16 Q Then C [REDACTED] actually lived with her grandmother for
17 about a year and five months after she was detained,
18 correct?

19 A That is correct.

20 Q So does she have a substantial relationship with her
21 grandmother then?

22 A I think she does. I think that that relationship has
23 been maintained. I think that Lakishia has been
24 consistent in C [REDACTED]'s life for her nine years of
25 life that that relationship has been substantial and has

1 been maintained as a substantial relationship.

2 Q And she has been with the foster parents for only about a
3 year and eight months, correct?

4 A Correct.

5 Q And C [REDACTED] has stated in the past that she did want
6 to come home with her mother, correct?

7 A At times, yes.

8 Q And you stated that she sees grandma every other weekend?

9 A At least once a month. Sometimes it's as often as every
10 other weekend, yes.

11 Q And she has also asked to go back and live with
12 grandmother, correct?

13 A Yes, she has.

14 Q After H [REDACTED] moved to a different foster home, did you
15 ever go back to Ms. R [REDACTED] and see if she would be
16 willing to have C [REDACTED] return back to her home?

17 A I don't recall that I have directly asked her. I have
18 been in contact with her, and during my contacts with
19 her, there has never been any verbalization of a desire
20 for her to resume placement but rather just to continue
21 the relationship as it has been with those visits.

22 Q Because initially, all three children were not placed
23 together, they were placed with family members, correct?

24 A Correct.

25 Q And one of the reasons that you placed C [REDACTED] with

1 the S [REDACTED] is because she would be crying when she
2 wanted to be with her sister H [REDACTED], correct?

3 A She would cry and want to be with all of her siblings,
4 correct.

5 Q But C [REDACTED] and H [REDACTED] are no longer in the same
6 home, correct?

7 A That is correct.

8 Q And out of her siblings, C [REDACTED] and H [REDACTED] probably
9 have the most bond or connection, correct?

10 A I would say in some degree, yes. I think they have been
11 together the longest to say that there is a strong
12 relationship there, but I also don't think it would be
13 fair to discredit the relationships that they all have
14 together among the variation of siblings.

15 Q Now, H [REDACTED] lived with her mother for five years; is
16 that correct?

17 A Yes.

18 Q And you don't think that that is substantial either,
19 correct?

20 A I think, again, same as C [REDACTED]. I think there is a
21 relationship there. I think H [REDACTED] looks to B [REDACTED]
22 as her biological mother. I think there is a
23 relationship, but I would not define it as a substantial
24 relationship at this time.

25 Q And then H [REDACTED] was with a family member, correct?

1 A She was placed with Ms. Wa [REDACTED] at the time of
2 removal, yes.

3 Q And she was there for about five months, correct?

4 A Correct.

5 Q Then she was with the S [REDACTED]s for about a year and
6 four months, correct?

7 A Yes.

8 Q And now she has been with the M [REDACTED] for three-and-a-half
9 months?

10 A I apologize, H [REDACTED] was with the S [REDACTED]s from
11 August of 2018 through the end of 2020, and then yes,
12 with the M [REDACTED] in December -- mid December of 2020.

13 Q And M [REDACTED] lived with mom for about four months?

14 A Correct.

15 Q Then with a relative for about five months?

16 A Correct.

17 Q And now with the foster parents?

18 A Correct, as of August of 2018.

19 Q And, in essence, originally, those three children were
20 living in separate homes with family members, correct?

21 A Yes.

22 Q Now, the child that probably has had the most difficulty
23 is H [REDACTED], correct?

24 A Yes.

25 Q And, in fact, in summer or early May of 2019 and July of

1 2019, H[REDACTED] actually packed her bags at the
2 S[REDACTED]'s on a few occasions and said she wanted to go
3 live with her mom, correct?

4 A I am trying to recall dates. I don't recall if it was
5 2019 or 2020, but yes, there had been a few occasions
6 that that did happen and at least one occasion where she
7 had left the foster home, yes.

8 Q And she said it's summer now, so she would go home with
9 mom?

10 A Yes.

11 Q And she actually had major behavioral issues in the
12 S[REDACTED]'s home, correct?

13 A Yes.

14 Q She hit the other children in the home?

15 A Yes.

16 Q She hit the foster parents?

17 A Yes.

18 Q She ran out of their home?

19 A Yes.

20 Q She hid under her desk at school?

21 A Yes.

22 Q She got sent home from school?

23 A Yes.

24 Q The cops had to be called at some point?

25 A Correct.

1 Q There has been issues at visits where in January of 2020,
2 H [REDACTED] had a tantrum in the parking lot, and mom had to
3 physically pick her up, correct?

4 A That is correct.

5 Q In June of 2020, there was multiple issues with H [REDACTED]
6 crying about missing her family members; is that correct
7 to say?

8 A In some degree, yes.

9 Q That she regressed, and that she wanted to see her TT?

10 A Yes.

11 Q In August of 2020, H [REDACTED] didn't want to leave a visit
12 with mom, and mom had to carry her down two flights of
13 stairs kicking and screaming; is that correct to say?

14 A Yes.

15 Q And in that same visit, she said she wanted to live with
16 her mother?

17 A I apologize, I don't have the visitation note, but if the
18 visitation note aligns with that, then yes.

19 Q In September of 2020 at the foster home of the
20 S [REDACTED]s, H [REDACTED] was dumping out clean baskets of
21 clothing and dumping detergent on it, correct?

22 A Correct.

23 Q In September of 2020, H [REDACTED] went to Rogers, and she
24 was diagnosed with a generalized anxiety disorder,
25 disruptive mood dysregulation disorder, unspecified ADHD,

1 PTSD; is that correct?

2 A Yes, and also concerns of reactive attachment disorder,
3 but she did not meet criteria to be diagnosed.

4 Q And she was discharged and placed on meds, the Clonidine,
5 correct?

6 A That is correct.

7 Q In October of 20, H[REDACTED] asked when she was going to be
8 able to come home; is that correct?

9 A I couldn't confirm the month, but yes, over time,
10 H[REDACTED] has asked about going home to mom.

11 Q She has gone into the bathroom in a visit and wouldn't
12 come out and refused to leave the visit, correct?

13 A Yes.

14 Q And then there were a lot of concerns in the S[REDACTED]'s
15 home in the fact that H[REDACTED] had told Ms. M[REDACTED] on
16 numerous occasions that she didn't feel safe in the
17 foster home, correct?

18 A I recall those conversations because B[REDACTED] had
19 reported that H[REDACTED] was talking about physical harm in
20 the foster home, and that is something that I had talked
21 to H[REDACTED] about and assessed, and there were no
22 concerns of her physical safety in the foster home.

23 Q But H[REDACTED] said she didn't feel safe, correct?

24 A Not to me, no.

25 Q But to her mother?

1 A Yes.

2 Q And Ms. M[REDACTED] brought that up to you?

3 A Yes.

4 Q There were also concerns in November of 2020 that the
5 behaviors got worse, that the police had to be called
6 because H[REDACTED] had broken a window and had hid sharp
7 objects under the couch; is that correct?

8 A I believe that happened prior to her admission to Rogers.
9 I don't think that was November, but yes, that would have
10 occurred sometime in summer or fall of 2020.

11 Q And also that H[REDACTED] felt like the foster parents, the
12 S[REDACTED]s, had given up on her; is that correct to say?

13 A I have never heard her make that statement. H[REDACTED]s
14 complaint in the foster home was that there were too many
15 babies crying and it was too much noise and it was too
16 busy for her, but she didn't make any statements about
17 the foster parents giving up on her.

18 Q And H[REDACTED] also stated she didn't want to live with the
19 S[REDACTED]s anymore, correct?

20 A At that time, yes.

21 Q And she continuously throughout this process has stated
22 that she wanted to live with mom, correct?

23 A On some occasions, yes. On others, no.

24 Q Now, the S[REDACTED]s decided that they couldn't handle
25 H[REDACTED]'s behaviors; is that correct to say?

1 A They couldn't handle her behaviors in addition to the
2 other five children in the home.

3 Q And now H [REDACTED] is with the M [REDACTED], correct?

4 A Correct.

5 Q And they have three other children in their home?

6 A Yes.

7 Q And you had testified you have concerns that if H [REDACTED]
8 was to go to T [REDACTED], that there would be a three-year-old
9 in the home, correct?

10 A Correct.

11 Q But you have no concerns with a six-year-old in the
12 M [REDACTED] home; is that correct?

13 A I do have some concerns. As I described, their
14 relationship at this point is something that is still I
15 guess I would say being figured out. They have conflict.
16 They have moments where H [REDACTED] does try to be
17 aggressive with that child, so it is something that we do
18 have concerns with H [REDACTED] around kids of her age or
19 close in age, most specifically though younger children
20 who are less able to protect themselves in those moments
21 that H [REDACTED] is rageful.

22 Q So there have also been incidents in the M [REDACTED]'s home,
23 correct?

24 A Yes.

25 Q That in January of 2021, H [REDACTED] was throwing a tantrum

1 with B [REDACTED]?

2 A Yes.

3 Q That she has disruptive and aggressive episodes about two
4 times per week in the home?

5 A I would say on average, yes.

6 Q That she was hitting C [REDACTED] repeatedly in the arm?

7 A Yes.

8 Q That she hit E [REDACTED] with an ice scraper while he was
9 driving?

10 A Yes.

11 Q C [REDACTED] does call mom, correct, to try and calm H [REDACTED]
12 down?

13 A On some occasions, yes.

14 Q And in March of 2021, there were concerns of H [REDACTED]
15 still struggling, correct?

16 A I would say March into April, yes.

17 Q That she actually curled up in a ball on the floor and
18 started crying?

19 A Yes.

20 Q Do you have any concerns that H [REDACTED] won't want to be
21 there anymore?

22 A I think that's really hard to answer. Given her history,
23 I think there are definitely variations in her thought
24 pattern, and given H [REDACTED]'s mental health and
25 behaviors, I think it ebbs and flows, but I think it

1 would be very hard for me to answer what the future would
2 hold.

3 Q Do you have any experience with kids who come back into
4 the system after they have been adopted?

5 A Yes.

6 Q So isn't she kind of a child that has the behaviors that
7 would show that that's a very real possibility in the
8 future?

9 A Again, I think that one is really hard for me to answer.
10 I think my assessment of what I think H [REDACTED] needs is
11 stability, consistency and reliability, and I think that
12 will help determine what her behaviors will look like and
13 then what that looks like in the future, but I think it
14 would be really hard to answer to say what will happen
15 because we don't know what will happen.

16 Q So are you saying she wasn't getting stability or
17 reliability and consistency in the S [REDACTED]'s foster
18 home?

19 A I think the consistency really factors into these visits.
20 H [REDACTED] has been told a variety of different things
21 about she is going to move home with mom and this is
22 going to be her bedroom and then mom missing visits for a
23 month, and I think there has been so much back and forth
24 for her. She has talked about concern about how would
25 she live with mom because mom doesn't even have a bed for

1 her. So you can tell that H [REDACTED] is thinking about
2 these things. You can tell that she has mixed emotions.
3 When she told K [REDACTED] and M [REDACTED] that she was going to move
4 home with mom, she said I am going to miss you and I love
5 you, but it's time for me to live with mom now. So you
6 can tell that for her age and developmental level, there
7 is a lot that she is processing and working on. I think
8 that inconsistency has really factored into if mom and
9 dad are going to have their visits, if mom and dad are
10 going to be there, when they are, how long they will be
11 present, and I think that really factors into what we see
12 in her struggling.

13 Q Well, A [REDACTED] and E [REDACTED] right now live with the
14 S [REDACTED]s, correct?

15 A Yes.

16 Q But there is a real potential those children could go
17 back with a parent, correct?

18 A Yes, we are still working on reunification.

19 Q So how do you think that's going to affect C [REDACTED]
20 explaining that her brothers get to go on visits with
21 mom, but she doesn't?

22 A So I think that is something that we have to do a lot of
23 planning and we have had discussions around for the
24 multiple times that we have had this trial set for, and
25 as I said, the S [REDACTED]s do plan to maintain a

1 relationship for both C [REDACTED] and M [REDACTED] should they
2 adopt. There would have to be some planning around
3 visitation, but they would still have contact with
4 B [REDACTED].

5 Q But it wouldn't be twice a week, correct?

6 A I don't believe it would be at the frequency it is now,
7 no.

8 Q And how do you think that would affect H [REDACTED] if she
9 realized that her brothers get to go on visits and she
10 doesn't?

11 A So H [REDACTED] is in a different home, so H [REDACTED] wouldn't
12 firsthand see that the way that C [REDACTED] and M [REDACTED]
13 would. So again, I think there would need to be greater
14 discussion and planning around what that looks like and
15 how conversations are had, but for H [REDACTED] I think most
16 though in a therapeutic fashion with additional support.
17 Given the way that H [REDACTED] does struggle with change and
18 the way that I think H [REDACTED] has to have things
19 communicated with her, it would definitely take some
20 extra attention and mindfulness to figure out what is
21 best for her.

22 Q So if A [REDACTED] and F [REDACTED] went back with a parent, the
23 only children in the S [REDACTED]'s home would then be
24 M [REDACTED] and C [REDACTED], correct?

25 A That would be correct.

1 Q You talked a little bit about the ICPC to T [REDACTED] J [REDACTED],
2 correct?

3 A Yes.

4 Q And you actually contacted her about the ICPC, correct?

5 A Yes. So when H [REDACTED] was placed with the S [REDACTED]s,
6 it was coming to a point that we realized we weren't
7 going to be able to maintain all of these children
8 together, specifically with H [REDACTED]'s substantial and
9 increased needs. I had reached out to previous family
10 about placement, and as I said before, in early 2018,
11 T [REDACTED] was not in a place that she was able to be
12 assessed for placement, but I did reach out to T [REDACTED]
13 again with wanting to consider possible relatives and
14 consider all possible options. I think it's better to
15 have more options and assess what is best for H [REDACTED],
16 and T [REDACTED] is a relative and could be an option.

17 Q Do you have an update on that ICPC?

18 A As of last week, T [REDACTED] had her first home visit
19 scheduled with the ICPC worker. From our ICPC office,
20 assuming all runs smoothly and efficiently and Taysha
21 remains engaged, they anticipate that it will take
22 approximately four months to complete and have an answer
23 to determine if she would be approved or not approved.

24 Q There have been numerous family members for these
25 children that have reached out to you over the course of

1 the case to try and have placement; is that correct to
2 say?

3 A I wouldn't say numerous. I would say there has been
4 some, yes.

5 Q And throughout the life of this case, your reason that
6 the children shouldn't go with those family members is
7 because they are together, correct?

8 A In some degree, yes. I think the other part of that is
9 looking at each individual child, where they have been
10 placed, for how long, what their connections look like
11 with not only their siblings, but their biological
12 parents and what that would look like, if that's a
13 permanent resource, in addition to the extended family.

14 Q But now H [REDACTED] is in her third placement, correct?

15 A Yes.

16 Q And the other kids, the other girls, are in their second
17 placement?

18 A Yes.

19 Q And all three of them are no longer together; is that
20 correct to say?

21 A Not together in the same home, no.

22 MS. WARD: I don't have any other questions.

23 THE COURT: Thank you, Counsel.

24 Mr. Lehto, would you like to go next?

25 MR. LEHTO: Yes.

1 THE COURT: Thank you.

2 E X A M I N A T I O N

3 BY MR. LEHTO:

4 Q Okay. I just want to pick up on a few things from
5 yesterday.

6 THE COURT: So, Mr. W [REDACTED], can you hear your
7 lawyer? Thumbs up or thumbs down.

8 MR. W [REDACTED]: I am sorry, no, I can't.

9 MR. LEHTO: Okay. I'm sorry, can you hear me
10 now?

11 THE COURT: Is that better?

12 MR. W [REDACTED]: Yes, it is. Also, I am able to
13 send him direct messages via this conference, so if he
14 could just check those.

15 THE COURT: Okay. Thank you. In the chat
16 feature?

17 MR. W [REDACTED]: Yes.

18 THE COURT: Okay.

19 MR. LEHTO: Okay. That may be a little more
20 challenging because the laptop the Court provided has
21 gone out. I am using my cell phone now. My normal
22 laptop I don't have connected to the County e-mail.

23 THE COURT: Well, let's do this. Mr. Lehto,
24 why don't you good and loud using the microphone ask your
25 questions, and then at the end of your questioning, I

1 will give you guys a quick breakout room again.

2 MR. LEHTO: Okay. Does that sound good,

3 Mr. W [REDACTED]?

4 THE COURT: Yes. Okay. Thank you. Go ahead.

5 Q I just want to pick up on a few things from yesterday.

6 One of the things you said was a safety concern about

7 Mr. W [REDACTED] in the future is that he or the mother had

8 not initiated a divorce; is that correct?

9 A I think that is one thing that I have concern and

10 question about. It's hard to say what would happen, but,

11 yes, at this time, they do remain married and are in a

12 relationship.

13 Q Right, but you recall back in November of 2020 having a

14 conversation with Mr. W [REDACTED] where he asked you how he

15 could go about a divorce, correct?

16 A Both he and Ms. M [REDACTED] had asked about it. Neither one

17 to my knowledge has followed through.

18 Q Right. He was in custody, and he was asking you how he

19 could get papers to go about a divorce, correct?

20 A That is correct.

21 Q And then you e-mailed me about whether I could represent

22 him, correct?

23 A I had e-mailed in regards to like if you could help him

24 with the process of how he would do that in custody, yes.

25 Q Okay. But he has expressed to you he does not want to be

1 in a relationship with the mother, correct?

2 A Both have expressed the lack of desire to be married, but
3 neither have followed through to terminate the marriage.

4 Q And yesterday, there were a couple themes that were
5 coming through. One of them was Mr. W [REDACTED]' drug use
6 based on the mother's reports, correct?

7 A Yes.

8 Q Okay. Now, think back to the beginning of this case.
9 Mr. W [REDACTED] was employed; is that correct?

10 A Yes, he was.

11 Q Okay. And he sent you or provided you with UA's from his
12 employment around March or April of 2018, correct?

13 A I apologize because I do not recall that.

14 Q Okay. You don't recall him providing you with clean UA's
15 from his workplace?

16 A Not off the top of my head. I do not recall that, no.

17 Q Okay. But he denied the use, correct?

18 A He has, yes.

19 Q And also, there was another theme yesterday that he was
20 trying to avoid you or I guess going into custody; do you
21 recall that?

22 A Yes. He was trying to kind of I would say lay low, so to
23 say were his words, to avoid being picked up on his
24 warrant because he wanted to get his affairs in order.

25 Q Okay. And this case came in in March of 2018, that's

1 when the temporary physical custody occurred?

2 A Yes.

3 Q And you are aware he was then charged on April 19 of
4 2018?

5 A Yes.

6 Q And he turned himself in about six weeks later and had an
7 initial appearance on June 2 of 2018, correct?

8 A Yes.

9 Q So this period of time that you are talking about was
10 relatively short, correct?

11 A That six-week period, yes.

12 Q Okay. In that period of time though, however, he was
13 communicating with you, correct?

14 A By phone, yes.

15 Q And he also was having contact with Ma [REDACTED] through
16 FaceTime or that type of technology, correct?

17 A With T [REDACTED], yes.

18 Q Yes. And that's another theme from yesterday, but so
19 this period of time that you talked about where he seemed
20 to be noncooperative, actually, he was cooperative with
21 you, correct?

22 A In some degree in terms of communicating with me. In
23 terms of cooperation of engagement both in seeing his
24 daughter in person, in services and things of that
25 nature, no.

1 Q Okay. Again, this was a short period of time, about six
2 weeks?

3 A Yes.

4 Q Then Ma [REDACTED] was placed with T [REDACTED] M [REDACTED] at the TPC,
5 correct?

6 A Yes.

7 Q And you didn't mention that yesterday, did you?

8 A I believe I did.

9 Q Okay. And she was there until April -- I mean August 22
10 or thereabouts of 2018, correct?

11 A Yes.

12 Q Okay. So you had a five-month relative placement,
13 correct?

14 A Yes.

15 Q And do you recall back on March 20, 2018 talking to
16 T [REDACTED], and she indicated to you that she was willing to
17 be a long-term placement either as a transfer of
18 guardianship or adoption?

19 A I couldn't recall the exact date, but I had had those
20 conversations with T [REDACTED], yes.

21 Q Okay. Now, yesterday, you gave a long or somewhat of a
22 list and today you gave a list of why T [REDACTED] M [REDACTED] was
23 not appropriate for placement; you recall that, correct?

24 A Yes.

25 Q And you filed a change of placement. There was an

1 emergency change of placement August 22, 2018, correct?

2 A Correct.

3 Q In the factual -- or the reasons you are saying it
4 required immediate change is that -- the primary reason
5 and almost the only reason is that you state Ms. M [REDACTED]
6 reached out to you and asked that Ma [REDACTED] be removed; is
7 that correct?

8 A Yes. So the reason for the emergency was T [REDACTED] calling
9 and saying come pick Ma [REDACTED] up immediately, that she no
10 longer wanted to be the placement. During that time, we
11 were working on assessing T [REDACTED] for placement and to
12 determine if we were going to move forward with searching
13 for alternative placements, at which point in time, I had
14 told T [REDACTED] that we were looking into other options,
15 again, addressing those concerns that we had, which is
16 what then led I think to T [REDACTED] saying that she was done
17 and asked me to pick up the child immediately.

18 Q Okay. She has a different version of that, correct?

19 A I believe she does, yes.

20 Q Right, and then yesterday and today, you went down a
21 number of concerns. Well, before I ask that, then
22 Mr. W [REDACTED] did file a change of placement back to
23 Ms. M [REDACTED] in December of 2018, correct?

24 A Yes.

25 Q And then we did have a hearing on that; is that correct?

1 A That is correct.

2 Q And it's at that time you brought up the additional
3 allegations that you hadn't made when you made the change
4 of placement in August of 2018, correct?

5 A So like I said, the emergency change of placement was
6 based on her immediate request for removal. The concerns
7 were ongoing that were being assessed and talked about
8 from the time that Ma [REDACTED] was placed there before her
9 request for removal and then again were assessed when
10 both C [REDACTED] and T [REDACTED] were seeking for Ma [REDACTED] to be
11 placed with T [REDACTED] again.

12 Q Okay. So this request to change placement was about four
13 months after her removal, correct, from August to
14 December, correct?

15 A Yes.

16 Q And some of your concerns -- one of them was no insurance
17 on the vehicle, correct?

18 A That was one of the concerns that was present.

19 Q And that was resolved, correct?

20 A After Ma [REDACTED] was removed from her home, I believe so,
21 yes.

22 Q And then also you mentioned yesterday, and this was a new
23 one to me, that there is pill bottles that may have been
24 within reach of Ma [REDACTED], correct?

25 A Correct.

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2019TP000225

1 Q Okay. Now, Ma [REDACTED] had been in that home for five months,
2 and it wasn't until you claim Ms. W [REDACTED] asked for
3 removal that you removed her, not because of pill
4 bottles, correct?

5 A No, those were conversations I was having with T [REDACTED] to
6 try to mitigate concerns. Again, we had continuous
7 concerns that would arise or come up and new concerns,
8 and the pattern kept continuing, which is what led us to
9 look to a different placement for Ma [REDACTED], which then led
10 to T [REDACTED]'s request to pick up Ma [REDACTED] immediately.

11 Q And you also stated she was aligned with the father, but
12 by December of 2018, Mr. W [REDACTED] had been sentenced to
13 six years in prison, correct?

14 A Yes.

15 Q So what would be the safety concern at that point for the
16 child to be placed back with the aunt?

17 A My concern is the alignment in the future when
18 Mr. W [REDACTED] is not in a controlled setting and in
19 custody and what that would look like for long-term
20 permanency and safety for Ma [REDACTED]. So that alignment and
21 that relationship seems substantial, and T [REDACTED] during
22 my time working with her really did not seem to be aware
23 of the safety risk with Co [REDACTED] and felt that he would
24 not cause harm to a child and that it was all B [REDACTED]
25 and placed a lot of blame and fault to Ms. M [REDACTED]

1 however, as we know from Mr. W [REDACTED] son, there is
2 substantial violence where Mr. W [REDACTED] held a gun to
3 Junior's head in the bathtub to threaten to shoot him.
4 So what that would look like for Ma [REDACTED] in the future
5 with contact with Mr. W [REDACTED] is highly concerning.

6 Q So the criminal charges that Mr. W [REDACTED] received did
7 not involve Ma [REDACTED], correct?

8 A They did not.

9 Q But you were making the decision to not place with a
10 relative by wondering what would happen six years later?

11 A In some part, yes. There was a variety of factors, the
12 safety concerns going on in the home, the immediate
13 request for her removal, the alignment with Mr. W [REDACTED]
14 and the tension in the relationship with B [REDACTED].

15 Q Okay. We are going to come back to the relatives. I
16 just want to finish up with a few other things related to
17 yesterday. You are aware Mr. W [REDACTED] gave a deposition
18 in this case, correct?

19 A Some time ago, yes.

20 Q Yes. In fact, I think it was 2019. During that
21 deposition, are you aware that he answered under oath
22 questions to the State that he had completed DV programs,
23 did an AODA assessment, had done random UA's, had been
24 involved in parenting and anger management and that he
25 had sent you, and he stated this under oath, that he had

1 sent you certificates of completion for those programs?

2 A I apologize, I have not heard of any of the details
3 during the deposition, nor have I read a transcript to
4 say what Mr. W [REDACTED] did or did not report in that
5 deposition.

6 Q Okay. So you never had a conversation with the district
7 attorney as to what he might have completed there?

8 A Not that I recall, no.

9 Q And you do agree you had several contacts with social
10 workers at Kettle Moraine, correct?

11 A Yes.

12 Q Going through the case notes, you documented several of
13 those conversations, correct?

14 A Yes.

15 Q And you yesterday stated that you had Mr. W [REDACTED] sign
16 releases to get records from the facility, correct?

17 A Yes.

18 Q So during those multiple contacts with the social workers
19 at the facility, you never asked for any records of
20 completion or programs he was in?

21 A So he had sent me a certificate for his parenting class,
22 and we had talked about that by phone or during visits, I
23 should say, and we also talked about his anger management
24 course, but unfortunately, he had never shared the
25 information about his AODA assessment that I didn't do

1 any sort of follow-up about this AODA assessment that I
2 had no knowledge about.

3 Q But the question was you never asked the social workers
4 about any of the programs he was in; is that your answer?

5 A No, I wouldn't say that. In various e-mails I had with
6 social workers, I followed up about Mr. W [REDACTED] ' time in
7 custody and programming, and like I said, the only
8 knowledge I had was about the parenting classes, his
9 work, his employment, his desire to be transferred to a
10 less-restrictive correctional facility, most specifically
11 closer to Ma [REDACTED], and then his anger management
12 component.

13 Q Okay. That's more than you answered yesterday, correct?

14 A What was that?

15 Q That is more than you provided us yesterday, correct?

16 A No.

17 Q Yesterday you said he had not been in any programs at
18 Kettle Moraine, and today you are saying he is, correct?

19 A Yesterday I talked about his parenting class and him
20 being very cognizant of wanting to schedule like both
21 visits and court hearings and things of that nature
22 around his parenting class and also that anger management
23 course, which to my recollection he mentioned more of it
24 being like a DV programming, but like I said, my
25 understanding is it's like an anger management that has

1 like a domestic violence component.

2 Q Okay. So talking about relatives, you were asked earlier
3 by Attorney Ward whether numerous relatives had reached
4 out to you or been provided to you as possible
5 placements; do you recall that answer?

6 A Yes.

7 Q And you did agree that it was numerous; am I right?

8 A Yes.

9 Q Now, in Mr. W [REDACTED]' case, we would agree that T [REDACTED],
10 and I interchange W [REDACTED] and M [REDACTED], but it's T [REDACTED]
11 M [REDACTED], correct?

12 A Correct.

13 Q Okay. T [REDACTED] M [REDACTED] had placement for five months and
14 then wished to have placement back by motion a few months
15 later, correct?

16 A Correct.

17 Q And you would agree that throughout the case, myself or
18 Mr. W [REDACTED] provided you with names of other relatives
19 or family members, correct?

20 A I would say in some part it was provided by you and
21 Mr. W [REDACTED] and in some part by relatives reaching out
22 to me.

23 Q So relatives reaching out to you, correct?

24 A Correct.

25 Q One of them -- one relative that was suggested was L [REDACTED]

1 L [REDACTED] is that correct?

2 A Correct.

3 Q And why wasn't she considered for placement?

4 A When I went to assess her home, I did an initial home
5 visit, and I ended up making a report for concerns for
6 her own child.

7 Q Okay. And then B [REDACTED] M [REDACTED], there was a motion filed to
8 change placement to B [REDACTED] M [REDACTED], correct?

9 A Correct.

10 Q And you recall before I filed the motion, I sent you
11 information about Ms. M [REDACTED], correct?

12 A Correct.

13 Q And then did you check her out as a possible placement?

14 A We had. We had met with her. She actually started going
15 through licensing with Children's which then she
16 suspended, and she ended up going back over to SaintA for
17 a license. From my memory, I believe she has been
18 licensed before and had been a foster parent in the past.

19 Q So B [REDACTED] M [REDACTED] had previously been a licensed foster
20 parent, correct?

21 A That is correct.

22 Q And why would she not be appropriate to be a relative --
23 well, let me step back. First, the statutes prefer
24 relative placements; am I correct?

25 A The way I have always read it is that relatives are

1 something that we look to to assess that if there is a
2 safe and appropriate relative, that is in the best
3 interest of the child, but I wouldn't necessarily say
4 that being a relative is the only factor.

5 Q Right, but right away at the beginning of the case, you
6 are asked to -- the Court asks for three names of
7 relatives, correct?

8 A Yes.

9 Q And you do an extensive search for relatives, and I see
10 that in the case file, correct?

11 A Absolutely, yes.

12 Q Right, and you know the statutes say relative placements
13 are preferred?

14 A When appropriate, yes.

15 Q Okay. So we have a relative that's been licensed as a
16 foster home, Ms. B [REDACTED] M [REDACTED], and why did the agency
17 find her appropriate to be placement?

18 A Why did we find her appropriate?

19 Q Did you or didn't you? I guess I will ask that first.

20 A I would say this is a similar one of saying that she as
21 an individual I think is appropriate, and she is
22 licensed. She has been assessed. It was what we
23 litigated, which are standards, that it was not in the
24 best interest of M [REDACTED] who had been placed with her
25 siblings and been with the S [REDACTED]s for the most

1 substantial period of her life. So again, we encouraged
2 B█████ to stay involved. I had given information and
3 exchanged contact information, and to my knowledge, she
4 has not been involved. I know the foster parents had
5 sent a letter and pictures to try to initiate that
6 contact since that placement had been denied.

7 Q So just curious, you know, you do the search for
8 relatives on the case. Why wasn't B█████ M█████ contacted
9 after the decision was made to remove Ma█████ from
10 T█████?

11 A So at the beginning of the case, we send out what's
12 called seneca letters, and those are sent out to anyone
13 we know is a relative or believe might be a relative. We
14 then rely on those notices for those relatives to then
15 reach out to us in regards to their desire to be
16 involved. Unfortunately, B█████ had not reached out for
17 a great portion of this case. I can't remember the
18 initial time that she reached out, but I want to say it
19 was about late 2019 that she first reached out with an
20 interest, and then we had met in early 2020 and then
21 litigated that. I couldn't tell you the exact month, but
22 sometime in springtime of 2020.

23 THE COURT: So, Mr. Lehto, I want to just
24 inquire. We have spent quite a bit of time now kind of
25 reviewing the prior placement litigation and decisions

1 made in the CHIPS case.

2 MR. LEHTO: Yes.

3 THE COURT: Really the issue today is what is
4 in the best interest of Ma [REDACTED] now, so I guess I am
5 wondering if maybe we can wrap up this line of
6 questioning and move to the present, if that would be
7 okay.

8 MR. LEHTO: Yes. I just have a couple more
9 questions related to relatives, but I am getting there,
10 and I think it is relevant to this best-interest phase.

11 THE COURT: How do you think it's relevant?

12 MR. LEHTO: Well, relatives should be
13 considered for placement, and I think the agency has made
14 an attempt, and I have heard this theme coming through
15 with other questioning, that relatives have not been or I
16 think barely considered for placement of the children,
17 and I think that's relevant to this and what is going to
18 happen to Ma [REDACTED] in the future. There has been testimony
19 that the foster parents are going to continue at least
20 with my client's contact, and actually, with two other
21 children, there has been testimony that they have been
22 able to see relatives in the present when my client's
23 relatives, and that is going to be a question shortly,
24 have primarily been denied to have that same contact.

25 THE COURT: Okay. So I guess a couple more

1 questions, but I can't really go back and undo, you know,
2 the decisions that have been previously made.

3 MR. LEHTO: Right, but I think the agency's
4 reasons for that are relevant and who the family members
5 were, but I will move on. Just a couple more on
6 relatives.

7 Q This is not a relative, but D■■■■ V■■■■ I think is the
8 name, are you familiar with that?

9 A I don't know her last name, but I know her as Dawn, yes.

10 Q Okay. D■■■■ has actually brought presents over to the
11 S■■■■s on behalf of Mr. W■■■■; is that correct?

12 A Yes.

13 Q Okay. And in the comments to the Court, and this is what
14 I am leading up to, it sounds like relatives for H■■■■
15 and B■■■■ are able to see or communicate with them;
16 is that correct?

17 A That is correct.

18 Q So why -- and so those children now have an ongoing
19 relationship, a memory, a connection with their family.
20 Why hasn't that been afforded to Mr. W■■■■' family?

21 A A couple different reasons. So with the relatives that
22 we are talking about that there has been contact with
23 both C■■■■ and H■■■■, we don't have those safety
24 concerns that we do with T■■■■ and A■■■■ So that has
25 factored into then the foster parents' comfort level.

1 Additionally, Mr. W [REDACTED] has asked me specifically for
2 kind of things to be put on pause or on hold in regards
3 to visits with T [REDACTED] and Ma [REDACTED], which is why he was
4 having D [REDACTED] drop off gifts at the S [REDACTED]'s home. My
5 understanding is that he looks at D [REDACTED] as a mother
6 figure, so we worked on contact between Dawn and the
7 foster parents to coordinate and do things of that
8 nature. B [REDACTED], like I said, I think she is appropriate.
9 She has been assessed. We have sent a letter with
10 pictures and contact information, and unfortunately, she
11 hasn't moved forward in kind of taking that next step for
12 contact to occur with Ma [REDACTED].

13 Q Okay. Now, you are aware that recently T [REDACTED] M [REDACTED]
14 brought a bicycle for Ma [REDACTED] over to the S [REDACTED]s,
15 correct?

16 A That I was not aware of, no.

17 Q Okay. Well, there will probably be testimony to that,
18 but you do acknowledge that Mr. W [REDACTED] has had
19 presents, birthday and Christmas, brought over by I think
20 D [REDACTED] at least on occasions and maybe other family
21 members?

22 A I would say most during 2020. Prior to 2020, not as much
23 , no.

24 Q Okay. They I think brought presents on his behalf to
25 your agency though, correct?

1 A I remember the conversation because he had an
2 understanding that gifts were delivered, but I did not
3 receive those at my office despite a search to locate
4 those, so I think there was the attempt, but no actual
5 gifts were received.

6 Q Okay. So let's talk about the relationship between
7 Mr. W [REDACTED] and the S [REDACTED]s and then in relation to
8 Ma [REDACTED]

9 A Okay.

10 Q Mr. W [REDACTED] regularly e-mails or has communication with
11 the S [REDACTED]s; is that correct?

12 A Yes, starting in I think that was 2020 as well.

13 Q Right, and that's through a system called Corrlinks,
14 right?

15 A That is correct.

16 Q And it took you a while to be able to connect with that,
17 but you also can communicate with him now on Corrlinks?

18 A That is correct.

19 Q And as you stated, he also is seeing Ma [REDACTED] every other
20 week on a video, correct?

21 A Yes. I would just add to that, as we have talked about
22 by e-mail, there has been some moments that that has been
23 disrupted. For example, when his social worker changed,
24 the frequency changed. When he was on quarantine, visits
25 would be on hold. When he was on quarantine to move

1 facilities, visits were on hold. So there has been some
2 variation, but when possible and when the correctional
3 facility can allow, it's been every other week.

4 Q Right, and actually, since the beginning of the case, I
5 noticed that even back in 2018, Mr. W [REDACTED] had written
6 a letter to you saying he was going to be seeing his
7 child at least once a month. I think he was at the House
8 of Correction. Do you remember that letter?

9 A I can't say I recall the letter. I know at that point
10 when he was at the House of Correction, I was taking
11 Ma [REDACTED] once a month to visit him through their monitor.

12 Q Right, and then consistently throughout the case, from
13 2018 to now, he has communicated either directly to you,
14 through a social worker or through me his desire to have
15 visits and have more visits, correct?

16 A Yes.

17 Q And you testified to this yesterday, there was a period
18 of time where the mother was denying him visits, but he
19 still was persistent in seeking those visits, correct?

20 A I would say that's correct, yes.

21 Q So during that period of time, almost a year, he was not
22 able to at no fault of his own have communication and a
23 bond with his child, correct?

24 A I thought it was closer to a six-month period. I don't
25 have the dates in front of me to say, but yes, there was

1 a period of time that visits were not in place due to
2 that lack of consent from a legal guardian.

3 Q Right, but he was persistent and, in fact, had a motion
4 filed to get those visits in place, correct?

5 A Yes.

6 Q And then since then, you mentioned there has been COVID,
7 there has been changes of institutions and social
8 workers, there might have been Zoom or video problems,
9 but throughout the whole case, he has been persistent in
10 his desire of having communication and seeing his
11 daughter, correct?

12 A Yeah.

13 Q Okay. Would you agree that's unlike the majority of
14 incarcerated parents to be as persistent as he has been?

15 A I think that might be too much of a generalization for
16 me. I have been fortunate that in a lot of my cases with
17 incarcerated parents, they are generally very consistent.

18 Q And then you mentioned the S ██████████s are interested in
19 maintaining a relationship in the future if there were a
20 termination, correct?

21 A Yes.

22 Q And Mr. W ██████████ is now at Kenosha Correctional. Do you
23 know anything about that facility?

24 A I would say I know kind of a minimal amount with his
25 recent transfer there. Most specifically, what we have

1 been working on is the informal visits because their
2 visitation I guess I would say is more limited than what
3 we had at Kettle Moraine. So they place a lot of the
4 responsibility on Mr. W [REDACTED] to use his phone calls and
5 his personal visits to engage with Ma [REDACTED], and our
6 professional visits as an agency the correctional
7 facility would discontinue, essentially, if TPR is
8 granted. So we have been doing a lot of prep work and
9 planning to get everything set up for informal visits to
10 be in place for the foster parents to continue that with
11 Mr. W [REDACTED] as they are able.

12 Q The facility he is at right now is a minimum facility,
13 correct?

14 A It is, yes.

15 Q And actually, they are looking to cooperate to have
16 in-person visits, correct?

17 A Kenosha or the foster parents?

18 Q The foster parents.

19 A In the future once COVID is nonexistent and in-person
20 visits would be allowed by a correctional facility. I
21 think it might depend. If Zoom is still a thing and that
22 is still an option, if it would be a hybrid model or
23 things of that nature, but yes, they do plan to maintain
24 some sort of contact and visits for Mr. W [REDACTED] with
25 Ma [REDACTED]

1 Q Okay. And have you had any conversations with them about
2 relatives also being able to have contact with Ma [REDACTED]?

3 A Yes, I have.

4 Q And what has been their thoughts on that?

5 A So they had been open to it. Like I said, there had been
6 some reluctance and hesitation just given our safety
7 concerns with T [REDACTED] and A [REDACTED] and more mindful planning
8 around what that would look like. As it pertains to
9 B [REDACTED], I think they are open to that. Like I said, it's
10 just been a lack of followthrough on B [REDACTED]'s part to
11 kind of follow up from that letter that they sent. I
12 would also note that the foster parents have had at least
13 previous contact with C [REDACTED] Junior's mother who he
14 resides with, and we are doing a lot of planning around
15 Ma [REDACTED] being able to have contact with her half-brother
16 in the future as well, and that's been something that we
17 have talked about and focused on.

18 MR. LEHTO: Okay. I have no further questions
19 at this time.

20 THE COURT: Thank you.

21 I think, Ms. Strigenz, you were --

22 MR. LEHTO: Oh, wait, wait, you were going to
23 let me talk to Mr. W [REDACTED].

24 THE COURT: Pardon me. Yup. Thank you.

25 Mr. W [REDACTED], I am going to give you guys a quick

1 breakout room.

2 Mr. Lehto, I am just going to give you just a couple
3 of minutes to see if there is anything else you wanted to
4 add.

5 MR. LEHTO: Sure.

6 MR. KREGGER: Judge, I am going to step out very
7 quickly to speak with a witness.

8 THE COURT: Sure.

9 (Off the record.)

10 THE COURT: All right. Back on the record.
11 The record should reflect Mr. W [REDACTED] and Mr. Lehto have
12 returned to the main hearing room.

13 Mr. Lehto, any additional questions?

14 MR. LEHTO: No.

15 THE COURT: Thank you.

16 Then, Ms. Strigenz, I think you were slated to go
17 next.

18 MS. STRIGENZ: Thank you very much, Judge.

19 E X A M I N A T I O N

20 BY MS. STRIGENZ:

21 Q Ms. Miller, as the worker in this case, you are required
22 to prepare a court report for a termination of parental
23 rights case; is that not true?

24 A That is correct.

25 MR. LEHTO: I think you are going to need to

1 speak up like all of us in the beginning.

2 MS. STRIGENZ: Thank you. I will repeat that
3 question. Can everybody hear me now?

4 THE COURT: Mr. W [REDACTED], thumbs up or thumbs
5 down, can you hear Ms. Strigenz? Thumbs down. Maybe
6 just pull the whole microphone a little bit closer. You
7 can slide it along the table.

8 MS. STRIGENZ: Thanks, Judge.

9 Q Again, Ms. Miller, as part of your duties as the worker
10 assigned to all three children's cases, specifically
11 H [REDACTED] J [REDACTED], you are required to submit a court
12 report in regards to this termination of parental rights
13 case; isn't that true?

14 A That is correct.

15 Q And a court report was submitted in regards to Case
16 No. 19-TP-64 for H [REDACTED] J [REDACTED], correct?

17 A That is correct.

18 Q In fact, the most recent court report that was filed in
19 this case regarding H [REDACTED] was one that you signed on
20 May 10, 2019; isn't that correct?

21 A That sounds correct, yes.

22 Q And there has been no further updates in regards to the
23 court report that you signed and I assume prepared
24 shortly before that of the date of May 10, 2019?

25 A Without having it in front of me, I think that would be

1 hard for me to say there is no updates. I think there
2 has been a variety of things that have changed and been
3 different since the time that court report was written,
4 which I think was included in some of my testimony. Most
5 specifically, obviously, H[REDACTED]'s placement has been
6 changed since that court report and things of that
7 nature.

8 Q That is actually correct. You have testified to changes,
9 but they were not indicated in any other formal court
10 report provided to this Court and the parties involved
11 other than the written report dated May of 2019?

12 A That would be correct.

13 Q And in that court report, Ms. Miller, you indicate it is
14 your belief that K[REDACTED] and M[REDACTED] S[REDACTED] would
15 be the adoptive resource for H[REDACTED], my client's child,
16 correct?

17 A Yes.

18 Q And you have testified as recently as this morning and
19 yesterday that, in fact, H[REDACTED] is no longer even
20 placed with the S[REDACTED]s, correct?

21 A Yes. That had been a very challenging and ongoing
22 conversation with the S[REDACTED]s, and as I said, it
23 wasn't -- I think they would still love to be the
24 adoptive resource, and I think they still would love to
25 have placement, but the reality was that given H[REDACTED]'s

1 exceptional needs and the risk and the impact that it was
2 having on the five other children in the home, they
3 weren't able to maintain that. So they very much had a
4 lot of thought and insight going into how they were going
5 to handle that and what they could handle and what they
6 couldn't, and they are still very committed to H [REDACTED]
7 and stay in contact, have her over, things of that
8 nature, but unfortunately, given her needs that have I
9 would say dramatically increased since the time I wrote
10 that report, they were not able to maintain placement to
11 be an adoptive resource.

12 Q Ms. Miller, that isn't the question I asked. The
13 question is that the court report that you prepared for
14 this termination case indicates that, in fact, the
15 S [REDACTED]s in your written document would be the
16 adoptive resource for H [REDACTED], and that is correct that
17 that is in the written document of the court report you
18 prepared in May of 2019?

19 A That is correct.

20 Q And there has been no other written information provided
21 in any additional court reports that were done that now
22 indicate the S [REDACTED]s are no longer the adopt ive
23 resource for H [REDACTED], correct?

24 A The written information would have been included in the
25 last permanency plan, which I believe was in January or

1 February of this year, that spoke to the change of
2 placement and adoptive resource and permanency planning
3 for her.

4 Q With all due respect, Ms. Miller, there has been no other
5 additional court report as required by statute?

6 A I guess I can't say that --

7 MR. KREGER: I would object. This is
8 argumentative, and I am not sure that was a question.

9 THE COURT: Overruled.

10 Q You may answer that question, Ms. Miller.

11 A I guess I can't say that I know the legal statute on
12 that, but no, I have not done a second court report for
13 H[REDACTED]

14 Q So the court report indicates that the adoptive resource
15 would be the S[REDACTED]s, but we now know that that is no
16 longer an option, correct?

17 A That is correct.

18 Q I'd like to come back to that line of questioning in a
19 minute or so or a few minutes or so. I just want to
20 identify some information that you testified to
21 yesterday. You are aware, Ms. Miller, that my client,
22 Mr. C[REDACTED] J[REDACTED], has now completed his parenting
23 classes; is that not correct?

24 A He was in his third attempt. I have not seen a
25 certificate for a confirmation that he has completed

1 them. In addition, the last releases he signed were in
2 February of 2019 despite releases being provided since
3 then, as recent as I would say January or February of
4 this year, which he has not signed a return for me to be
5 able to verify that completion status, but I could say I
6 knew he was in progress.

7 Q You are not aware that Mr. J [REDACTED] completed a program
8 through the Parenting Network, specifically a parenting
9 program, and that he received a certificate of completion
10 dated April 14 of this year?

11 A No, I was not.

12 Q Do you have any reason to disbelieve that he did not
13 complete that parenting program in April of this year?

14 A From the notes that I had, he was sporadic in his
15 attendance. I know that the Parenting Network requires a
16 certain amount of classes attended to be considered
17 completed. I know he was in progress, as I said, but I
18 did not receive a certificate of completion from him, nor
19 do I have the release signed by him to obtain that from
20 the Parenting Network.

21 Q Ms. Miller, you indicated that Mr. J [REDACTED] I believe in
22 your testimony or at least in the court report had not
23 completed his AODA assessment; is that correct?

24 A So not the one that was referred to for PSG. Like I
25 said, about six months ago, he was stopped for what I

1 believe was a traffic stop. He had a warrant. He was
2 taken into custody. He had sent me pictures basically
3 showing that he had done an AODA assessment with Impact
4 but never signed the release or never provided the actual
5 formal written AODA assessment for me to say it's
6 completed.

7 Q But you did receive pictures that he had completed an
8 AODA assessment through Impact in January of 2020,
9 correct?

10 A Yes, just saying like the appointment day and time and
11 that it was done, yes.

12 Q And you are in agreement that Mr. J [REDACTED], of course, did
13 complete his psychological assessment as required under
14 the CHIPS order specifically back in April of 2019?

15 A I do know he completed the assessment. I know it was in
16 2019, but I don't recall the month.

17 Q And are you aware that he has been seeing an independent
18 therapist, Duane Wallace, since that time as suggested by
19 the psychological assessment?

20 A So he had started with Michael Bates through North Shore,
21 and he had attended I believe about two, maybe three
22 appointments with him. Mr. J [REDACTED] had updated me in I
23 would say maybe November or December of 2020 that he was
24 working with Duane Wallace with AMRI. So again, I
25 provided him a release of information to allow me to

1 connect with Mr. Wallace directly regarding his treatment
2 participation and treatment planning. Unfortunately,
3 Mr. J [REDACTED] has not signed that release for me to be able
4 to say what the status of his individual therapy is.

5 Q So while a release may not have been signed, you are
6 aware that he, in fact, was in this independent therapy
7 with Mr. Wallace?

8 A Per his reports, yes.

9 Q Ms. Miller, how old is H [REDACTED]?

10 A H [REDACTED] is currently eight.

11 Q Eight years old, correct?

12 A Eight years old, yes.

13 Q And she is in the 2nd grade?

14 A 2nd grade.

15 Q There is some thought that she may have to repeat the
16 2nd grade?

17 A That is correct.

18 Q You have indicated in today's testimony specifically that
19 it is your opinion that Mr. J [REDACTED]'s visitation with his
20 daughter H [REDACTED] I believe in your words has been
21 inconsistent or sporadic. Is that what you testified to?

22 A Yes.

23 Q In fact, Mr. J [REDACTED] had been seen in the year of 2020
24 through the MAPS program through placement that you had
25 set up visitation with H [REDACTED], true?

1 A I apologize, could you repeat that?

2 Q It was a little bit longwinded, sorry. In 2020,
3 Mr. J██████ was seeing H██████ through MAPS, and that
4 had been set up by you, correct?

5 A Milwaukee Area Parent Services, yes.

6 Q And he continued to do that placement with his daughter
7 through the end or partially through December of 2020,
8 correct?

9 A So the virtual visitation was between March and June of
10 2020. In person resumed mid to late June, early July
11 through December, yes.

12 Q And then when that program was terminated, he began his
13 placement with his daughter through Lad Lake at the
14 beginning of this year, correct?

15 A A few months later. I believe it started in March of
16 2021.

17 Q And he has continued that placement with H██████ since
18 that period of time, correct?

19 A With sporadic attendance, yes.

20 Q And he has indicated that -- or, excuse me, you have
21 indicated that he was seeing H██████ through Lad Lake
22 every Sunday for his placement with his daughter?

23 THE COURT: Can I just ask, I am just a little
24 confused, Ms. Strigenz, do you mean placement or
25 visitation?

1 MS. STRIGENZ: I'm sorry, I am using placement,
2 but I should be using the word visitation, Judge.

3 THE COURT: Sorry, go ahead. Thank you.

4 A So the visitation is scheduled for two hours every
5 Sunday. Like I said, Mr. J [REDACTED] has continued to be
6 sporadic and inconsistent, so I would say maybe about 70
7 to 75 percent he's attended in the last two months given
8 his cancelations, but again, that's a rough estimate.

9 Q In fact, you characterized just in your last sentence
10 that his visitation was sporadic, but, in fact, you have
11 also indicated that he has probably made 75 percent of
12 his visits, particularly since he began his visitation at
13 Lad Lake, correct?

14 A With the last month being inconsistent. He was a no
15 call, no show this past Sunday. About two weeks prior to
16 that, he cancelled, and right before that was when he was
17 a no call, no show. So there has been a lot of
18 cancellations most recently in the last month, but like I
19 said, I would say maybe 70, 75 percent is a rough
20 estimate as attended in the past two-month period.

21 Q Now, your testimony has been I believe today that
22 H [REDACTED] enjoys her visitation with her father, correct?

23 A At times, yes.

24 Q You have indicated also that at times when visitation
25 hasn't occurred for whatever reason, H [REDACTED] misses

1 seeing Mr. J [REDACTED], correct?

2 A I would say it depends. She does have periods where she
3 misses him. She has other periods where she is very
4 angry at him. So it really just depends how she takes
5 the news that Mr. J [REDACTED] is unavailable or couldn't make
6 it today or, you know, isn't free this month. We try to
7 make things very supportive so she is not hearing
8 information that is negative about her father but also
9 validating that he is not available.

10 Q But it is true for whatever reason, when visitation does
11 not take place, it troubles H [REDACTED], correct?

12 A I guess I would say sometimes.

13 Q Ms. Miller, when Mr. J [REDACTED] has been doing his
14 visitation with H [REDACTED] specifically through Lad Lake,
15 is he accompanied by anybody else that you are aware of?

16 A He has brought his daughter A [REDACTED] to at least one
17 visit, but I am not aware of anyone else.

18 Q And A [REDACTED] is, as far as you are aware, Mr. J [REDACTED]'s
19 child?

20 A Correct.

21 Q From a different mother who is five years old, correct?

22 A Correct.

23 Q And you are aware that Mr. J [REDACTED] lives with A [REDACTED],
24 his daughter, who is five years old, in his home
25 presently?

1 A To my understanding, yes.

2 Q And are you also aware that Mr. J [REDACTED] has a son who is
3 eight months old who lives with him by the name of K [REDACTED]?

4 A Yes. I believe Mr. J [REDACTED] has shared that he has about
5 eight, maybe nine children, including K [REDACTED].

6 Q And, in fact, A [REDACTED] and K [REDACTED] would be half-siblings
7 to H [REDACTED], correct?

8 A Correct.

9 Q In your testimony today, Ms. Miller, you have indicated
10 that you are concerned that if H [REDACTED] was able to live
11 with a relative by the name of T [REDACTED] J [REDACTED], who is
12 presently going through an ICPC, that would be a concern
13 to you because H [REDACTED] would not be able to see her
14 siblings that are still living with the S [REDACTED]s. Did
15 I correctly recite what you testified to today?

16 A I think what I would say is not seeing them as often or
17 as frequent in the way that she does now. I think that I
18 would have confidence that the S [REDACTED]s would try to
19 stay in touch with H [REDACTED]. Again, trying to predict
20 the future and what T [REDACTED]'s openness is to that and what
21 her travel would look like to Milwaukee, I can't say what
22 that would be, but I know that if H [REDACTED] lived in
23 San Diego, California, her contact with her siblings
24 would look very different than if she lived here in
25 Wisconsin.

1 Q Now, you are not recommending that H█████ go back and
2 live with Mr. J█████, correct?

3 A No, I am not, sorry.

4 Q But, in fact, you are aware that Mr. J█████ has at least
5 two other children that H█████ is presently related to
6 by a half-sibling relationship?

7 A Correct.

8 Q Do you find that concerning that if Mr. J█████ has his
9 parental rights terminated, that H█████ would lose
10 contact with these two siblings, specifically K█████ and
11 A█████?

12 A No. To my knowledge, H█████ has never met K█████ at this
13 point in time. I have been working with a social worker
14 through SaintA that we would like to have a joint visit
15 with K█████ and H█████ in addition with A█████ being
16 in the home. Sorry, K█████ is in the home. So K█████ and
17 A█████, we would have contact in the sense that with
18 H█████, the plan would be for her to maintain contact
19 with Mr. J█████ as well in some degree and some fashion
20 long term. So H█████ would continue a relationship
21 with those siblings. There is also a sibling E█████ who
22 we have been working with that social worker that
23 C█████ is having visits with that we want to build
24 those sibling connections too. So we have done a lot of
25 work around sibling contact and connections. A█████

1 has come to visits historically as well, so there has
2 been contact with her siblings throughout the lifetime of
3 this case.

4 Q While, that is a well-meaning plan if Mr. J [REDACTED] s
5 parental rights are terminated. That again is just a
6 well-meaning plan. There is no legal enforceability to
7 all of those comments that you have just made?

8 A Correct, there is no legal enforceability.

9 Q Now, even though the court report dated May of 2019 did
10 not reflect that H [REDACTED] is no longer living with the
11 S [REDACTED] s, that, of course, is your testimony in the
12 last two days of what has now happened, H [REDACTED] is no
13 longer living with the S [REDACTED] s; is that correct?

14 MR. KREGGER: Objection, asked and answered.

15 THE COURT: Sustained.

16 Q H [REDACTED] is presently living with the M [REDACTED]; is that
17 correct?

18 A Yes.

19 Q And she has been in that foster placement for
20 approximately slightly less than four months, correct?

21 A About four months exactly now.

22 Q Specifically since December of 2020, correct?

23 A Yes.

24 Q And she was removed from the S [REDACTED] 's placement I
25 believe you have testified because the S [REDACTED] s were

1 concerned about her behavior and did not feel that they
2 could manage her behavioral concerns, true?

3 A In conjunction with the five other children in the home,
4 yes.

5 Q So again, she is not with her siblings presently in the
6 new foster placement with the M [REDACTED], correct?

7 A That is correct.

8 Q Now, you have testified today that when it was determined
9 that H [REDACTED] would have to be moved from the foster
10 placement, specifically the S [REDACTED]s, that you made a
11 contact with a relative placement; isn't that true?

12 A Yes.

13 Q And, in fact, I believe Attorney Lehto had asked in his
14 questioning right before I began that it is preferred
15 under the statute that at least you look into a possible
16 relative placement, true?

17 A True.

18 Q And keeping that in mind, being the social worker that
19 you are, you made a contact with a relative specifically
20 by the name of T [REDACTED] J [REDACTED], correct?

21 A Correct.

22 Q And this is the relative that you just referred to a few
23 minutes ago who lives in Sand Diego; is that true?

24 A That is true.

25 Q And Ms. J [REDACTED] is related to H [REDACTED] by being a

1 paternal aunt; isn't that true?

2 A I believe you said paternal aunt. It was hard to hear,
3 but if that is the case, yes.

4 Q Paternal aunt, excuse me. And, in fact, you have been
5 guiding Ms. J [REDACTED] with your help in completing the
6 information that she would be able to have H [REDACTED] come
7 and live with her in her home, true?

8 A To assess if her home would be safe and appropriate for
9 that to occur, yes.

10 Q Thank you. And she specifically is going through the
11 ICPC part of that process, correct?

12 A Correct.

13 Q And it's your testimony that that could take up to four
14 months?

15 A That's what the ICPC office had said, yes.

16 Q And in your testimony today in response to the State's
17 questioning regarding that, you indicated you had no
18 concerns regarding T [REDACTED] J [REDACTED] at this point in time;
19 isn't that true?

20 A Based on about the three, maybe four conversations I had
21 with her, I have no immediate red flags based on those
22 phone calls, but my assessment doesn't include any sort
23 of detailed assessment, just initial first impressions.

24 Q Okay. But those first impressions have been positive so
25 far, true?

1 A Yes.

2 Q And again, H [REDACTED] is a relative by birth being the
3 paternal aunt, correct?

4 A Yes.

5 Q And to the best of your knowledge and recollection, you
6 have indicated that T [REDACTED], Ms. J [REDACTED], is in the
7 military, and that is why she is located in California,
8 true?

9 A Correct.

10 Q And yet it is my understanding based on your testimony
11 yesterday and today that at this point in time, you
12 believe that if Mr. J [REDACTED]'s parental rights are
13 terminated, H [REDACTED] should continue to live with the
14 M [REDACTED]; is that true?

15 A I think that is again a really hard assessment to make
16 right now today. I think that she is doing overall well
17 in the placement. I think yes, absolutely, I have some
18 issues and behavioral concerns, so I have concern about
19 moving and changing things again for H [REDACTED], but I also
20 think that we really have to do a fair assessment in all
21 means to determine what is best for H [REDACTED], and that
22 could vary based on four months from now from where we
23 are today.

24 Q And could that continued assessment be making a
25 determination if Ms. J [REDACTED]'s home is appropriate if, in

1 fact, this Court makes a determination that H [REDACTED]
2 should not be returned to her father C [REDACTED]?

3 A Yes. I think it's fair to say we would continue to
4 assess T [REDACTED]. Like I said, my concerns are in regards
5 to what that would look like for her sibling contact and
6 what that would look like in terms of her contact with
7 K [REDACTED] and M [REDACTED]. I also think about what that would look
8 like in terms of H [REDACTED]'s contact with both her dad and
9 her mom. I also think that's another change and another
10 transition for H [REDACTED] again. So I think there is a lot
11 of factors to look at H [REDACTED] specific to determine what
12 is best for her.

13 Q In fact though, H [REDACTED] has already had three different
14 placements, correct?

15 A She has.

16 Q And, in fact, H [REDACTED] again has only been with the
17 M [REDACTED] for approximately four months?

18 A Yes.

19 Q And you have been candid about your testimony. H [REDACTED]
20 has indicated to you that at least at this point in time,
21 she would like to go live back with the S [REDACTED]s,
22 correct?

23 A On some occasions, yes.

24 Q So would that indicate that H [REDACTED] at this point in
25 time does not have a strong bond or at least a stronger

1 bond when comparing her desires between the Me [REDACTED] and
2 the S [REDACTED]s?

3 A I think it has to do with her grief and loss. I think
4 she was placed with the S [REDACTED]s for a substantial
5 time, and this is a change, and this is a transition. I
6 think it's normal and healthy for her to have feelings of
7 grief and loss. She is building that relationship with
8 the Me [REDACTED]. Like I said, she calls them mom and dad.
9 She looks to them for comfort. She looks to them to
10 console her when she is having a challenging time. She
11 seems to trust them, but the relationship is newer. It
12 is within the past four months, so I think that with
13 continued time, we will see that relationship grow, but I
14 do think she is experiencing some loss as well.

15 Q Fair enough. Would you -- if you had to make a
16 determination at this point in time, would you agree that
17 H [REDACTED]s relationship or at least her expressed
18 preference and her relationship would be stronger with
19 the S [REDACTED]s than it would be with the Me [REDACTED]?

20 A I think that is a really hard comparison for me to make.
21 I think she does have a relationship with both. Like I
22 said, I think that her relationship with the S [REDACTED]s
23 was for some time, and she looked to them as her mom and
24 dad as well, so it's a change. There is grief and loss.
25 There is normal, natural, healthy developments. There is

1 also other experiences that she is going through as well.
2 I think there is so much going on that it's really hard
3 to say who she is more connected to and why and to what
4 capacity at this point.

5 Q Because H [REDACTED] has only been living with the M [REDACTED] for
6 this approximately slightly less than four-month period
7 of time, it is your testimony today that you are still
8 wanting to make a complete determination, and part of
9 that complete determination is continuing to investigate
10 T [REDACTED] J [REDACTED] as a possible long-term placement; isn't
11 that correct?

12 A I think I have some conflicted feelings on that. I think
13 that H [REDACTED] is a child who needs permanency now. As we
14 know, she is struggling. So I think that yes, I think
15 it's best to continue to assess T [REDACTED] and consider
16 T [REDACTED], but I also don't want to say that T [REDACTED] is best
17 or the M [REDACTED] are best. Like I think that is still to
18 come, but I think she does need long-term permanency
19 sooner rather than later and in a safe, stable home that
20 will be her consistent and be her forever home.

21 Q And I think everybody in the courtroom would agree with
22 that assessment that you just made, that statement that
23 this little girl does need long-term placement and
24 consistency, but really that is up in the air right now
25 as to who is the best resource, who is the best family

1 for this little girl to go with, correct?

2 A I guess I couldn't say it's the best family so much as
3 the best fit for H [REDACTED] specifically. I think the
4 M [REDACTED] are great people. I think my initial impressions
5 of T [REDACTED] are good, and I don't think necessarily one
6 person is better than the other. I think it's looking at
7 H [REDACTED] specifically and her siblings, her parents, her
8 contact with the S [REDACTED]s that she looked to as
9 parents, her school, all of those factors of where she is
10 and where she is at in life and what is best for her.

11 Q Very true, and again, part of that assessment would be to
12 continue to vet out T [REDACTED] J [REDACTED], correct?

13 A Yes.

14 MS. STRIGENZ: I have no further questions,
15 Judge.

16 THE COURT: All right. Thank you.

17 Mr. Holzman, do you have some questions?

18 MR. HOLZMAN: I do, Your Honor. I am not going
19 to be able to finish my cross-examination.

20 THE COURT: So nobody can hear you.

21 MR. HOLZMAN: I do, Your Honor. Can you hear
22 me now?

23 THE COURT: Yes, sir.

24 MR. HOLZMAN: But I am not going to be able to
25 finish my cross-examination in the next few minutes.

1 THE COURT: Would you prefer to start after
2 lunch?

3 MR. HOLZMAN: Probably, yes.

4 THE COURT: Okay. All right. So let's do
5 this. It's roughly 11:45. Let's resume at 1:15. I'd
6 like to have everybody back here no later than 1:10. I
7 am just going to let everybody know you need to be on
8 time. The Court is going to be on time, and I am going
9 to get started.

10 Madam Clerk, probably once we are off the record, if
11 you could let folks in from the waiting room and let them
12 know to come back in at 1:15.

13 I have briefly reviewed Wisconsin statutes section
14 48.425, but I don't know whether statutorily the State
15 needs to file an amended TPR report listing the M [REDACTED] or
16 not. It didn't jump out to me that that needs to be
17 done, but if it is something that needs to be done, I
18 would ask if that could be done over the lunch hour. All
19 right. Anything further before we break for lunch?

20 MR. LEHTO: Yes, just quickly. My witness I
21 may lose because she has children. I will contact her,
22 but I was hoping to call her at 10 this morning and had
23 arrangements for that. Then I said 1:30 this afternoon.
24 So I am just raising that issue.

25 THE COURT: Mr. Holzman, would you object to

1 inserting that witness in? If she can be here at 1:15,
2 would you object to that happening before you engage in
3 this cross-examination?

4 MR. HOLZMAN: I would not object, Your Honor.
5 I have a witness as well coming at 1:30 in person. I
6 would like to have that witness heard sometime this
7 afternoon. I would not object.

8 THE COURT: Okay. So let's let everybody know
9 1:15, and, Mr. W [REDACTED], you should let your facility
10 know that we are going to start at 1:15, okay? All
11 right. Anything else before we conclude?

12 MS. STRIGENZ: May we keep our things in the
13 courtroom, Judge?

14 THE COURT: Yes, you may. All right. Thanks.
15 We are off the record.

16 (Whereupon, proceedings were concluded.)
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1 STATE OF WISCONSIN)

2) ss.

3 COUNTY OF MILWAUKEE)

4

5

6 I, AMY DE LA ROSA, a Court Reporter for the
7 Circuit Court of Milwaukee County, do hereby certify that
8 the foregoing is a true and correct transcript of all the
9 proceedings had and testimony taken in the above-entitled
10 matter as the same are contained in my original machine
11 shorthand notes on the said trial or proceeding.

12

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14

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ELECTRONICALLY SIGNED

16

Amy De La Rosa
Court Reporter

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18 Dated at Milwaukee, Wisconsin

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FILED
07-21-2021
John Barrett
Clerk of Circuit Court
2019TP000225

PM SESSION

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 6

MILWAUKEE COUNTY

IN THE INTEREST OF

H [REDACTED] J [REDACTED],
C [REDACTED] M [REDACTED],
M [REDACTED] M [REDACTED].

CASE NO. 19 TP 64
19 TP 65
19 TP 225

CHILDREN UNDER THE AGE OF 18.

PROCEEDINGS: Disposition Hearing-PM SESSION

DATE: Friday, April 23, 2021

BEFORE: THE HONORABLE ELLEN R. BROSTROM,
Milwaukee County Circuit Court Judge

APPEARANCES: CHARLES KREGER,
Appeared on behalf of the State;

JULIEN LACERA,
Appeared as Guardian ad Litem for the minor children;

LAUREN MILLER,
Ongoing Case Manager-Children's;

MICHAEL HOLZMAN,
Attorney at Law, appeared on behalf of the father, J [REDACTED] C [REDACTED], who also appeared;

CHERYL WARD,
Attorney at Law, appeared on behalf of the mother, B [REDACTED] M [REDACTED], who also appeared;

DUKE LEHTO,
Attorney at Law, appeared on behalf of the father, C [REDACTED] W [REDACTED], who appeared via Zoom;

DEBORAH STRIGENZ,
Attorney at Law, appeared on behalf of the father, C [REDACTED] J [REDACTED], who also appeared.

**ALYCIA BEIN-RPR
OFFICIAL COURT REPORTER**

I N D E X

WITNESS (s)

PAGE (S)

T ██████ M ██████	
Direct Examination by MR. LEHTO.....	5
LAUREN MILLER	
Cross-Examination by MR. HOLZMAN.....	16
Cross-Examination by MR. LEHTO.....	35
V ██████ R ██████	
Direct Examination by MR. HOLZMAN.....	40
Cross-Examination by MS. WARD.....	49
T ██████ J ██████	
Direct Examination by MS. WARD.....	58
Cross-Examination by MS. STRIGENZ.....	64
K ██████ J ██████	
Direct Examination MS. WARD.....	78
S ██████ W ██████	
Direct Examination by MS. STRIGENZ.....	88

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
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No exhibits marked on the record.

1 THE COURT: Back on the record. We're
2 continuing our dispositional hearing. I think Madam
3 Court Reporter knows the cases. Why don't we go around
4 and make appearances one more time.

5 MR. KREGGER: Charles Kreger appearing on
6 behalf of the State.

7 MS. MILLER: Lauren Miller, family case
8 manager.

9 MR. LACERA: Julian Lacera, Guardian ad
10 Litem.

11 MR. HOLZMAN: Attorney Michael Holzman on
12 behalf of the father of C [REDACTED], J [REDACTED] C [REDACTED]. He's
13 present in court. Good afternoon, Your Honor.

14 MS. WARD: Good afternoon. Attorney Cheryl
15 Ward appears with mother, B [REDACTED] M [REDACTED].

16 MS. STRIGENZ: Good afternoon, Judge.
17 Attorney Deborah Strigenz appearing in person along with
18 my client, C [REDACTED] J [REDACTED], who is also in person. He
19 is the father of H [REDACTED].

20 MR. LEHTO: Duke Lehto appears for the
21 father, C [REDACTED] W [REDACTED]. He's appearing by Zoom.

22 THE COURT: Mr. J [REDACTED], you have to wear
23 the mask up over your nose. Thank you.

24 Mr. W [REDACTED], can you hear us okay?

25 MR. W [REDACTED]: **(Indicating Thumbs Up)**

1 THE COURT: Great. Mr. Lehto, I think the
2 plan was for Ms. T [REDACTED] M [REDACTED] to testify next, right?

3 MR. LEHTO: Right.

4 THE COURT: Why don't I let her in.

5 **(Ms. McGee Entering Hearing Via Zoom)**

6 THE COURT: Good afternoon, Ms. M [REDACTED].
7 This is Judge Brostrom. Can you hear us okay? You have
8 to unmute so we can hear you.

9 MS. M [REDACTED]: Yes.

10 THE COURT: Very good. We are ready to
11 begin your testimony. Thank you for making yourself
12 available this afternoon, and thank you for your
13 flexibility as the schedule kept changing.

14 MS. M [REDACTED]: No problem.

15 THE COURT: Please raise your right hand,
16 and I'm raising mine as well. Do you solemnly swear or
17 affirm that the testimony you're about to give shall be
18 the truth, the whole truth, and nothing but the truth so
19 help you God; or, upon pain of penalty of perjury?

20 MS. M [REDACTED]: Yes.

21 THE COURT: Thank you. If you could please
22 begin by stating and spelling your name, and then
23 Mr. Lehto, I'll turn it over to you.

24 MS. M [REDACTED]: T [REDACTED] M [REDACTED]; T- [REDACTED],
25 M- [REDACTED].

1 helping them with their school work?

2 A. Yes.

3 Q. Okay. M█████ was born in October, I think, 2017.

4 Does that sound about right?

5 A. October 30th, yes.

6 Q. Okay. Were you involved at her birth or shortly
7 thereafter?

8 A. Shortly thereafter.

9 Q. Okay. What kind of involvement did you have with
10 M█████ from October of 2017 from the birth going forward
11 to, let's say, March of 2018?

12 A. I was babysitting. While the mom and my brother
13 was working, I was the babysitter.

14 Q. Okay. And was that on a daily basis?

15 A. Yes.

16 Q. Okay. Would that happen then at your home with
17 your other children?

18 A. Can you say that again for me?

19 Q. Yes. Would the babysitting take place at your
20 home?

21 A. Yes.

22 Q. Okay. So they would bring M█████ over, and you
23 and your other children were there, correct?

24 A. Yes.

25 Q. And then in March of 2018 did social services

1 approach you to do something with M██████?

2 A. Yes. March 6th of 2018 I was asked by the
3 Department of Children and Families to care for M██████.

4 Q. Okay. The court system placed her with you, is
5 that right?

6 A. Yes.

7 Q. And she remained with you until when?

8 A. Until August of 2017, I believe that was.

9 Q. Would 2018 be more correct?

10 A. I'm sorry, 2018. I apologize.

11 Q. That's okay. From March of 2017 until August, I
12 think it was 22nd of 2018 when she was removed from you;
13 were other family members involved in M██████'s care?

14 A. Yes.

15 Q. What other family members knew M██████ at that
16 time and maybe helped care for her or saw her?

17 A. That would be B██████ M██████ and E██████ L██████?

18 Q. Okay. And B██████ M██████ is who?

19 A. Is my aunt.

20 Q. Okay. And E██████ L██████ is who?

21 A. My sister.

22 Q. E██████ L██████ is yours and Mr. W██████'s sister?

23 A. Yes, sir.

24 Q. Were they over frequently, weekly, monthly; how
25 often were they seeing M██████?

1 A. Frequently.

2 Q. Okay. And it's true your brother in June of 2018
3 went into custody, is that right?

4 A. True.

5 Q. From March until August 22nd of 2018, were there
6 any concerns expressed to you about the care that you
7 were providing for M██████?

8 A. No. I was always getting good compliments on how
9 I had her dressed, how she eats, where she sleeps. I was
10 always getting good compliments.

11 Q. She was removed from you by social services,
12 correct?

13 A. Correct.

14 Q. We did, I think in 2019, had hearings regarding
15 placing her back with you, correct?

16 A. Correct.

17 Q. Now, today we're not here to relitigate that, I
18 just want to make that clear, but I do want to ask you
19 some questions relating to these events, okay?

20 A. Okay.

21 Q. And in August of 2018 what reason were you given
22 that M██████ needed to be removed from your care?

23 A. Because the social worker said that she seen me
24 put M██████ in the car and I didn't have insurance, is
25 what she told me.

1 Q. Okay. Was there--were there more reasons given to
2 you at that time?

3 A. No, sir. That was the only reason.

4 Q. Did you have insurance at that time?

5 A. I didn't have insurance at that time.

6 Q. Were you able to resolve that?

7 A. I mean, I could have gotten insurance but she
8 went and told--**(Inaudible)**--that's even before she
9 removed M██████ out of my care. I wasn't even notified.
10 She notified me after she told C██████, which is my
11 brother.

12 Q. I'm not going to spend a lot of time on it, but
13 were you notified of the decision to remove on or about
14 August 22nd?

15 A. Um, yes.

16 Q. Did you tell Lauren Miller, the case manager,
17 that you wanted M██████ removed from your home?

18 A. I said--what I asked Lauren is, "Why does she
19 have to be removed out of my home?" And she said, "Well,
20 we have to come get her because you didn't have
21 insurance." That's what she's telling me.

22 Q. Then in early 2019 when we litigated for M██████
23 to be returned to you, you appeared and testified,
24 correct?

25 A. Yes, sir.

1 Q. If I remember correctly we were--strike that. At
2 that time the agency provided more reasons that they
3 stated they removed the child, correct?

4 A. Yes, at that court hearing.

5 Q. Right. And we were denied in asking for that
6 request, correct?

7 A. Yes.

8 Q. You understand that a request was made for B [REDACTED]
9 M [REDACTED] to also have placement of M [REDACTED], is that right?

10 A. Yes.

11 Q. And to your knowledge had she been previously a
12 licensed foster home?

13 A. Yes. She's still a licensed foster parent.

14 Q. Okay. At any point did you tell Ms. Miller that
15 B [REDACTED] M [REDACTED] was a possible relative placement for
16 M [REDACTED]?

17 A. Yes.

18 Q. Okay. About when did you tell her that?

19 A. Um, around August of 2018.

20 Q. Okay. We're not going to spend much time on this,
21 but E [REDACTED] L [REDACTED] and I think the cousin, B [REDACTED]
22 M [REDACTED], I think it is--

23 A. --Yes.

24 Q. They're also relatives that would have been
25 interested in placement of M [REDACTED], is that correct?

1 A. Correct.

2 Q. Who is D■■■■ B■■■■ (Phonetic)?

3 A. That's a friend of the family.

4 Q. Fast forward--so in summary, what was your
5 family's interest in having M■■■■ placed with family?

6 A. Everybody--everyone that we just named wanted
7 M■■■■ because we didn't want her in the system.

8 Everybody was trying. It's like everybody was pushed
9 away when we tried.

10 Q. Just quickly, do you know everybody I mentioned,
11 do they have any child protective history?

12 A. No.

13 Q. And were they employed?

14 A. I can't hear you.

15 Q. Did they have jobs? Were they employed?

16 A. Yes.

17 Q. Okay. You've had conversations with some of these
18 relatives about the efforts they made to contact Ms.
19 Pillar or the agency, correct?

20 A. Yes. Can I say something?

21 Q. Sure.

22 A. Even my Aunt B■■■■ asked if we can even see her
23 on her birthday, if she can send pictures. We haven't
24 received anything of that kind as of now. We have not.

25 Q. Okay. Your family has wanted to maintain a

1 relationship with M■■■■■, is that right?

2 A. Yes.

3 Q. I want to ask you about something recently that
4 happened. Do you know who the S■■■■■s are?

5 A. Yes. Those are the foster parents.

6 Q. Okay. Have you ever been to their house?

7 A. Yes.

8 Q. Okay. Once, twice, how many times?

9 A. Once.

10 Q. Tell me about the one time that you were there.

11 A. I was there probably a week ago. Me and the
12 foster dad had a really good conversation. We were
13 talking about the kids. I took my niece a bike. I took
14 her a bike, a helmet, and I also took her a little
15 license plate that I think it says "Daddy's Girl" or
16 "Princess." We having a very good conversation. There
17 was no problem or anything. I even spoke to the other
18 kids that were on the porch.

19 Q. Okay. You spoke to the other children that were
20 on the porch, is that what you said?

21 A. Yes.

22 Q. Let me ask you about the bike. Why did you take a
23 bike over to--for M■■■■■?

24 A. That's my niece. I just feel like she would need
25 a bike.

1 Q. Okay. Did Mr. W■■■■■■ talk to you about that
2 bike?

3 A. You said who?

4 Q. Did Mr. W■■■■■■, your brother, talk to you about
5 the bike?

6 A. Yeah, we talked about it.

7 Q. Did he want you to take that bike over to her?

8 A. Yes.

9 Q. Okay. Did he tell you there was a conversation
10 where M■■■■■■ had said she wanted a bike?

11 A. Yes, sir. He said she wanted a pink bike; make
12 sure it's pink. I took my time and I made sure my niece
13 had a pink bike, a pink helmet.

14 Q. That's the one time--was she there when you
15 brought the bike?

16 A. Her foster dad said that she had just laid down
17 to go to bed.

18 Q. Okay. To your knowledge, have other family
19 members, or maybe D■■■■■■ as she's referred to, brought
20 things over to M■■■■■■ on Mr. W■■■■■■'s behalf?

21 A. For Christmas, yes.

22 Q. In talking to other people, whether it's D■■■■■■ or
23 B■■■■■■, what's been your understanding of your ability
24 to have contact with M■■■■■■?

25 A. We haven't been able to have contact with M■■■■■■.

1 We've asked over and over again, but we haven't had
2 contact with M██████. I would love to see her. I would
3 love to.

4 Q. Right. To your knowledge, you're still willing to
5 be a placement for--you're still willing to be a
6 placement for M██████?

7 A. I would love to, but if I can't, one of my family
8 members would loved to.

9 Q. Right. Like B██████ or some other family member,
10 correct?

11 A. Yes.

12 Q. Just a couple more questions. You know your
13 family through your brother, Mr. W██████, have brought
14 motions in front of the court to have placement,
15 correct?

16 A. Yes.

17 Q. How does your family feel about how this
18 situation has gone in trying to keep M██████ with the
19 M██████, with the W██████, with her cousins, with her
20 aunts?

21 A. Emotions are very high at this point because we
22 would really love to see M██████. I've even asked to see
23 M██████ on her birthday. It wasn't granted. When they
24 took M██████ from us, they took a big chunk from us.

25 MR. LEHTO: I have no further questions.

1 THE COURT: Thank you. Ms. Ward, would you
2 like to ask any questions of this witness?

3 MS. WARD: No, thank you.

4 THE COURT: Thank you. Ms. Strigenz?

5 MS. STRIGENZ: I don't have any questions,
6 Judge.

7 THE COURT: Thank you. Mr. Holzman?

8 MR. HOLZMAN: No questions, Your Honor.

9 THE COURT: Mr. Kreger?

10 MR. KREGER: I have no questions, Your Honor.

11 THE COURT: Mr. Lacera?

12 MR. LACERA: I have no questions, thank you.

13 THE COURT: All right. Thank you so much,
14 ma'am, for your appearance. We're just going to keep
15 getting testimony today, and I'm sure someone will keep
16 you updated as to how things are going.

17 MS. M■■■■: Okay, thank you so much.

18 **(Ms. M■■■■ Exiting Hearing via Zoom)**

19 THE COURT: All right. I think it was now
20 going to be Mr. Holzman's turn to cross-examine Ms.
21 Miller.

22 Ms. Miller, if you want to come back up,
23 I'll re-swear you. Do you solemnly swear or affirm that
24 the testimony you're about to give shall be the truth,
25 the whole truth, and nothing but the truth so help you

1 God; or, upon pain of penalty of perjury?

2 MS. MILLER: I do.

3 THE COURT: Because we have a new court
4 reporter why don't you state and spell your name again.

5 MS. MILLER: Lauren Miller; L-A-U-R-E-N,
6 M-I-L-L-E-R.

7 **CROSS-EXAMINATION**

8 BY MR. HOLZMAN:

9 Q. Ms. Miller, you know Mr. C [REDACTED]?

10 A. I do.

11 Q. You've been on the case for Mr. C [REDACTED] and this
12 trial for how long?

13 A. Since it came to ongoing in March of 2018.

14 Q. And you received some documents yesterday from me
15 indicating that Mr. C [REDACTED] had completed certain services
16 while he was incarcerated most recently, correct?

17 A. Correct.

18 Q. Those services that he completed that I provided
19 you certificates on, did you refer them to him or did he
20 do that on his own?

21 A. Those that he completed in custody are ones that
22 he enrolled himself in at Milwaukee Secure Detention.

23 Q. If you want to refresh, I'm going to read you the
24 titles on some of these certificates. If you need to see
25 the actual certificates, I will be glad to provide those

1 to you. He completed anger management in November of
2 2019?

3 A. Correct.

4 Q. Career and Personal Development was completed in
5 December of 2019?

6 A. Correct.

7 Q. Fatherhood-Dad program was completed in December
8 of 2019?

9 A. Correct.

10 Q. Thinking for a Change of Cognitive Thinking in
11 December of 2019?

12 A. Correct.

13 Q. Walking the Line and New Pathways to Fathers and
14 Families completed in December of 2019?

15 A. Correct.

16 Q. Also I provided you a letter from an employee, a
17 corrections program supervisor at the House of
18 Correction, dated November 21st of 2019. Do you recall
19 that?

20 A. Yes, I do.

21 Q. Okay. It indicated that he had completed--
22 Mr. C [REDACTED] had completed OSHA and Workplace Safety
23 certification in October of 2019?

24 MR. LACERA: I'm going to object. These
25 questions seem to be more about the grounds phase rather

1 than disposition.

2 THE COURT: Any response?

3 MR. HOLZMAN: I think it all relates to what
4 he's done in terms of becoming a positive parent. I
5 think it deals with his ability to perform as a parent
6 in the best interest of the child.

7 THE COURT: Yeah. I mean, if he's asking
8 for the child to be returned to him, those would
9 certainly be relevant. Go ahead, Mr. Holzman.

10 BY MR. HOLZMAN:

11 Q. My question was: Did he successfully complete the
12 OSHA Workplace Safety certification in October of 2019?

13 A. To my recollection, yes.

14 Q. And he was involved in a welding and blueprint
15 reading training program?

16 A. Correct.

17 Q. And he got a certification to--I think you're
18 aware of that. I think you mentioned that in your
19 initial direct examination, that Mr. C█████ had gotten a
20 safety certification. What does that entail--what does
21 that entail him to do?

22 A. I believe the certification that you're
23 referencing he was in a program where he was working to
24 gain a certification in EMT and firefighting, and I
25 believe that was in progress before he then was in

1 custody and unfortunately wasn't able to complete that.
2 That was something that was of interest to him and he
3 was working on.

4 Q. He was scheduled to begin in December of 2019.
5 He did receive an approval or a certification of that,
6 is that correct?

7 A. I apologize. It was hard to hear all of that.
8 Could you repeat it?

9 Q. He did complete that program as far as you know?

10 A. Which program?

11 Q. The one for the food protection manager
12 certificate and the workplace and safety certification.

13 A. I do believe so, yes.

14 Q. He did a lot while on his own when he was
15 incarcerated, correct?

16 A. Correct.

17 Q. In addition, is it safe to say that while he was
18 incarcerated during 2019 and 2020 that he made extra
19 efforts to be in contact with his daughter, C [REDACTED]?

20 A. I don't know that I would categorize it as extra
21 effort. I think that he made a conscious effort to write
22 to her and have phone contact with her.

23 Like I had said, his awareness of C [REDACTED] and
24 her mental health and her psychological well-being was
25 something that was focused in our conversations where he

1 didn't want C [REDACTED] to know he was in custody; and
2 so, that's why he didn't want to have those in person
3 visits. He was thinking about what would be best for his
4 daughter, but he did make efforts to have contact. I
5 guess I just wouldn't categorize it as extra efforts.

6 Q. Regardless, he sent letters?

7 A. Yes.

8 Q. He had some phone calls?

9 A. Yes.

10 Q. He contacted the foster parents?

11 A. Yes.

12 Q. He sent gifts as much as he could?

13 A. I don't recall any gifts. I know that he had
14 sent, like, things of art that he had made while he was
15 in custody with the limited ability to have gifts of
16 sort to give to her. He did do things that he could do.
17 He would make art or pictures or things of that nature.

18 Q. Do you believe that his actions showed concern
19 and love for his daughter?

20 A. What was that?

21 Q. Do you believe that his actions, even while in
22 custody, show a concern and love for his daughter?

23 A. I believe so, yes.

24 Q. Do you think he loves his daughter?

25 A. I do believe so.

1 Q. Do you believe his daughter loves him?

2 A. I do.

3 Q. Is that based on some of the things you said
4 earlier today about the excitement C [REDACTED] feels when
5 she sees him?

6 A. I do, yes.

7 Q. How does--have you seen her when she reacts or
8 greets him at a visit or for a virtual, or whatever?

9 A. Yes.

10 Q. Can you describe her actions and her reactions?

11 A. I would categorize them as joyful. She smiles.
12 She greets her dad with a hug while in person or
13 expresses her excitement to hear from him. She
14 references him as "daddy" in her speech.

15 Q. You mentioned there is no special visitation
16 setup for him to have in person visits?

17 A. Not at this time, correct.

18 Q. But he is having visits with the foster parents
19 virtually and by telephone, correct?

20 A. At this time I believe it's by telephone, yes.

21 Q. These visits, whether virtual or telephone or a
22 mixture, they have been going well?

23 A. Yes, they do.

24 Q. Are you aware that also Mr. C [REDACTED] has had some
25 in-person visits with C [REDACTED] at the home of his

1 mother?

2 A. I have not been told of any that have happened as
3 of this year since his release. I know I talked to
4 L [REDACTED] about the approval of that to happen. I haven't
5 been notified that any of those occurred since his
6 release in January.

7 Q. Are you aware that C [REDACTED] is visiting
8 L [REDACTED] about two times a month, is that right?

9 A. Yes, she is.

10 Q. Are those visits going well?

11 A. Yes, they do.

12 Q. Does she love L [REDACTED]?

13 A. Yes, I would say she does.

14 Q. I think in response to Ms. Ward's questions
15 earlier, you said that she was with L [REDACTED] full time
16 for a year and four months?

17 A. Yes.

18 Q. Prior to that time L [REDACTED] was the guardian of
19 C [REDACTED], correct?

20 A. For a period before the temporary physical
21 custody, yes.

22 Q. In 2014 and 2015?

23 A. Yes, that sounds accurate.

24 Q. Would you say that even those two times
25 C [REDACTED] has been with my client's mother for equal or

1 more time that she's been with the S [REDACTED]s?

2 A. Yes.

3 Q. At these visits with L [REDACTED], which I've
4 indicated that Mr. C [REDACTED] may be present for, are you
5 aware that C [REDACTED] calls Mr. C [REDACTED] to show up to
6 those visits?

7 A. No, I am not.

8 Q. Are you aware who else would be at those visits?

9 A. At times I know that her Aunt D [REDACTED] will have
10 visits with her. I also know her Aunt Q [REDACTED] will be
11 a part where she sees her during times with L [REDACTED] as
12 well.

13 Q. Would it be safe to say C [REDACTED] is bonded with
14 L [REDACTED] and her--L [REDACTED]'s sisters in term of the
15 family?

16 A. I do think she has a relationship with her
17 paternal aunts and her paternal grandmother.

18 Q. Okay. I'm going to go back to something you said
19 earlier, and I just want to clarify. When asked whether
20 or not there would be a substantial harm to C [REDACTED]
21 if the relationships with her paternal family were
22 terminated, I think you said if they were terminated and
23 there were no visits they would be harmful, but if they
24 were legally terminated they would not be. Do you recall
25 that?

1 A. Yes.

2 Q. Do you understand if a visit is legally
3 terminated, no one can come to court to get a visit even
4 though it's in the best interest of the child?

5 A. I do. C [REDACTED], since her placement with the
6 S [REDACTED]s, from the day that she moved in her paternal
7 family has been involved and that contact has been
8 arranged by her paternal extended family and the
9 S [REDACTED]s.

10 Q. And you said you have worked on an agreement to
11 have this continue, okay? Have you worked on an
12 agreement with the S [REDACTED]s with the paternal family?

13 A. There is no formal agreement, but it's been an
14 ongoing conversation since we were talking about
15 C [REDACTED] moving to the S [REDACTED]s' home before she
16 actually even moved.

17 Q. But nothing has been set forth as to an informal
18 agreement to continue this when the department is no
19 longer involved?

20 A. Informally through conversations, yes.

21 Q. Another thing, too, and that's dealing with the
22 wishes of C [REDACTED]. C [REDACTED], you've indicated
23 sometimes C [REDACTED] says she wants to be with the
24 S [REDACTED]s, sometimes she wants to be home. Is she
25 referring--I think it was "home" that you said. Is

1 "home" what she refers to as being with L [REDACTED] and her
2 paternal family?

3 A. When C [REDACTED] references some thoughts about
4 being elsewhere, she specifically says being with Granny
5 L [REDACTED] or with the S [REDACTED]s.

6 Q. So she is conflicted about what she wants, is
7 that fair to say?

8 A. In some part I think so, yes.

9 Q. Does she indicate in your conversations with her
10 that she wants to maintain contact with her father?

11 A. I apologize, when you say "she"--

12 Q. --I'm talking about C [REDACTED].

13 A. I do think C [REDACTED] does desire to maintain a
14 relationship with her father and still have contact with
15 him in some capacity, which both the foster parents and
16 the paternal family that plans to stay in contact do
17 articulate plans to continue.

18 Q. You think it would be, I don't want to
19 paraphrase--

20 THE COURT: --Mr. Holzman, don't forget
21 about the mic.

22 MR. HOLZMAN: I apologize.

23 Q. If you have an axe and you cut that termination,
24 that would be harmful to C [REDACTED], wouldn't it?

25 A. I don't think C [REDACTED]'s at an age or

1 developmental level that she understands the legal
2 separation. To her, her world would not change at all if
3 TPR was granted and legal separation would occur. Her
4 life with the foster parents would continue as is where
5 she would continue to have contact with her paternal
6 family.

7 Q. Wait a minute. I think earlier you said that
8 there would be harm for her if there was no contact.

9 A. If there was no contact--

10 Q. --Now you're saying there would be harm?

11 A. No. If there's no contact with her paternal
12 family, I think that would be harmful to her. However,
13 what I'm saying is if the legal relationship is severed
14 through termination of parental rights, C█████████ would
15 not have any knowledge of that. She's not at an age or
16 developmental level that she understands what that legal
17 set of relationship means. Her day-to-day life wouldn't
18 change. She would continue to live with the S█████████s.
19 She would continue to visit with her paternal family and
20 she would continue to have contact with Mr. C█████████.

21 Q. That would assume that there's an agreement
22 between the S█████████s, the aunts, the grandma, the
23 mother, the grandmother to do this, and you're saying
24 that has not been formally agreed to, correct?

25 A. There's no formal written document, but that has

1 been something that has been occurring since August of
2 2019. Given the history and the timeline that that's
3 been happening and what that looks like, I have no
4 reason to suspect that it would change.

5 Q. Have you ever examined Mr. C [REDACTED]' home?

6 A. Yes, I have.

7 Q. Which home was it?

8 A. I had visited him when he was residing with V [REDACTED]
9 R [REDACTED]. I also had visited him when he was residing
10 with another relative, and I apologize because I don't
11 recall which relative but I know that it was on [REDACTED]
12 [REDACTED].

13 Q. Ms. R [REDACTED] is C [REDACTED]'s great-grandma?

14 A. Correct.

15 Q. Okay. You went to her home with Mr. C [REDACTED] when he
16 was staying there?

17 A. Yes, I had.

18 Q. How was the home? Was it reasonable, was it safe?
19 Did you examine it at all?

20 A. I met with Mr. C [REDACTED] in the living room area. I
21 didn't necessarily see the house in full to get a full
22 assessment. From my initial impressions of being in that
23 living room area I didn't have any immediate concerns.

24 Q. Okay. I talked to you in October of last year--

25 THE COURT: --Microphone, Counsel.

1 Q. I talked to you in October of last year, if you
2 recall, about Ms. R [REDACTED] as a possible family
3 placement resource?

4 A. Yes.

5 Q. You wrote me a letter, if you recall, I can show
6 you a copy, I think I showed it to you earlier, that
7 indicated that you didn't want to approve her as a
8 placement resource because you didn't want to remove the
9 kids?

10 A. If I recall correctly, those had been through
11 e-mail exchange. I had connected with Ms. R [REDACTED],
12 V [REDACTED] R [REDACTED], when you had expressed her desire to
13 possibly be a placement for C [REDACTED].

14 At that point in time, Ms. R [REDACTED] was not
15 licensed and still to this day is not a licensed foster
16 parent. She could take placement of C [REDACTED], but only
17 C [REDACTED] alone, and she did express possible interest
18 in taking placement of all five siblings together but
19 she would not be able to do so unless licensed to take
20 those children that are non-relatives.

21 Q. Did you explain how to get licensed?

22 A. We did talk about the licensing process, yes, in
23 terms of being licensed to do a transfer of guardianship
24 or adoption; or, if she wasn't licensed, the only form
25 of permanency would be through a transfer of

1 guardianship.

2 Q. Did you explain to her the process of getting
3 licensed?

4 A. I don't necessarily note that we had the
5 conversation of what the process is that I said, but we
6 had a conversation that licensing for becoming a
7 licensed foster parent is what that--essentially what
8 that entails and what that would mean for permanency.

9 Q. So you didn't help her to go through the forms
10 and the mechanics to getting licensed for the kids?

11 A. Our licensing team does that.

12 Q. You didn't tie them in with the licensing team,
13 did you?

14 A. If we aren't recommending the placement, that's
15 not something that we as the case manager set up.
16 That's something that the relative can go through the
17 agency and be established with a licensing specialist.

18 Q. In other words, she was not told the steps?

19 A. She was given the number for our main office,
20 yes.

21 Q. Wasn't the real reason why you didn't want to
22 place C [REDACTED] with her--

23 THE COURT: --Mr. Holzman, microphone.

24 Q. Was the real reason you didn't want to place
25 C [REDACTED] with her is because you didn't want to move

1 her from her siblings?

2 A. I think there was a variety of factors into that
3 decision. I think one of them being that she was placed
4 with her siblings together in that time, yes.

5 Q. H██████████--this letter that you sent in October of
6 2020, that's when H██████████ was living there, correct?

7 A. Yes.

8 Q. And right now C██████████ is still distant and
9 separate from her siblings?

10 A. She's not in the same placement of H██████████.
11 She's still with her three other siblings.

12 Q. When you talked to Ms. R██████████, did she indicate
13 to you that she had raised, without children service
14 involvement, five children?

15 A. I do not recall. I do know from conversations in
16 just working with the family and L██████████ that V██████████ was
17 a parent and raised children, yes.

18 Q. Did she indicate to you that she's a property
19 manager and has a job, and that she lives alone?

20 A. I knew she lived alone. I knew she was employed.
21 I don't know that I knew the specifics of where she was
22 employed.

23 Q. Did she indicate to you she had a three-bedroom,
24 two and a half bath house that she owns, as well as
25 managing other properties in the Milwaukee area that

1 would have plenty of room for C [REDACTED] to stay?

2 A. I don't recall that a part of the conversation.
3 I know that she had her own residence. As I said I've
4 been there before, but I don't recall the details of her
5 having the other residences as well.

6 Q. Did you ask her whether or not she had any visits
7 with C [REDACTED]?

8 A. Yes.

9 Q. Since she was removed?

10 A. Yes.

11 Q. What did she say?

12 A. She had some contact with C [REDACTED] when she was
13 placed with L [REDACTED] because Ms. V [REDACTED] R [REDACTED] lives
14 down the street. It's probably less than a three-minute
15 walk so she had some contact with C [REDACTED] during that
16 time.

17 I do believe she continues to see C [REDACTED] when
18 C [REDACTED] visits her paternal family. I couldn't give a
19 good answer on frequency, but I know that when we talked
20 to her to say that we weren't recommending to move
21 C [REDACTED] to her as a placement, that we had great
22 conversations about her staying in touch and continuing
23 to have her relationship with C [REDACTED].

24 Q. You're saying she does have a relationship with
25 C [REDACTED]?

1 A. Yes.

2 Q. During those visits did you ask her what she did
3 with C [REDACTED]?

4 A. No. I'm more focused that she has a relationship
5 and she continues to stay in touch with C [REDACTED].

6 Q. Did you find out that she calls Ms. R [REDACTED]
7 "Granny"?

8 A. Yes.

9 Q. Did she indicate--when you had conversations with
10 C [REDACTED] and Ms. R [REDACTED], do you think that
11 C [REDACTED] loves Ms. R [REDACTED]?

12 A. I think L [REDACTED] R [REDACTED], yes. I never heard
13 C [REDACTED] reference V [REDACTED] when I talked to her.
14 C [REDACTED]'s focus in conversations about relatives is
15 really focused on L [REDACTED], Granny, Aunt Q [REDACTED], as
16 well as her Aunt D [REDACTED].

17 MS. WARD: Judge, could we take a few-minute
18 break?

19 THE COURT: Sure. It's about two o'clock.
20 Why don't we go until 2:10. We're off the record.

21 **(Break in Proceedings)**

22 THE COURT: Back on the record. Go ahead,
23 Mr. Holzman.

24 MR. HOLZMAN: I'm almost done.

25 BY MR. HOLZMAN:

1 Q. These questions relate to Mr. C [REDACTED]' situation
2 now, Ms. Miller.

3 A. Okay.

4 Q. Have you looked at his current apartment in
5 [REDACTED]?

6 A. No. My first knowledge of this apartment is this
7 court hearing.

8 Q. And do you know that he's engaged to be married?

9 A. I did not.

10 Q. Do you have any--have you been attending any of
11 his virtual visits he's been having or phone visits?

12 A. With C [REDACTED] I had been present at the foster
13 home for a couple of them when they had occurred, but
14 otherwise, no.

15 Q. Okay. Do you have any problems with his behavior?
16 Is it appropriate? Is he behaving like a parent would
17 with a child?

18 A. I would have to break that question up. I would
19 break up that he's always been appropriate with me, very
20 polite in his communications with me. In terms of acting
21 in a way that a parent would, I think he engages in
22 phone calls with C [REDACTED] and maintains contact with
23 her in that fashion, but in terms of him being present
24 and active on a day-to-day basis providing for
25 C [REDACTED]'s care, supervision, and needs, no.

1 Q. My question is: During these conversations that
2 you've observed is he appropriate--does he say
3 appropriate things for a child during those visits?

4 A. Yes. During his visits I don't have any concerns
5 with his communication with C [REDACTED].

6 Q. Do you have any indication that he is using
7 drugs?

8 A. I do not.

9 Q. He hasn't had a psychological assessment,
10 correct?

11 A. Did you say "he has" or "has not"?

12 Q. Has not.

13 A. No.

14 Q. Have you set that up since he's been released?

15 A. Yes. I've referred him many times for that
16 evaluation.

17 Q. Are there any other services outside of
18 consistency that he has not met?

19 THE COURT: Counsel, we're past the grounds
20 phase.

21 MR. HOLZMAN: That's all I have. Thank you
22 very much.

23 THE COURT: Thank you, Counsel. Mr. Kreger,
24 any additional questions?

25 MR. KREGER: No, Your Honor.

1 THE COURT: All right. Thank you. I think
2 that concludes your testimony.

3 MR. LEHTO: Your Honor, I did have a couple
4 questions, if I could.

5 THE COURT: Based on Mr. Holzman's
6 questions?

7 MR. LEHTO: Yes.

8 THE COURT: I don't know if it works that
9 way. I think you guys are aligned on the same side of
10 the courtroom, right?

11 MR. LEHTO: Right, but I think I'm a
12 different party. I'm not aligned necessarily with him.

13 THE COURT: All those questions were about
14 Mr. C█████, right?

15 MR. LEHTO: Right. There was a question--
16 there was an issue I had a question with about why or
17 why not something was done. It goes to the whole issue
18 of relatives. That's become a theme in this hearing.

19 THE COURT: Yeah. It's a theme that I think
20 we've heard enough of for the reasons I stated earlier.
21 I'll let you ask just a couple of questions, but I can't
22 go back and re-do those decisions.

23 MR. LEHTO: No, it's not about that decision.

24 THE COURT: Go ahead.

25 **CROSS-EXAMINATION**

1 BY MR. LEHTO:

2 Q. You were talking about a relative that could not
3 be licensed, correct?

4 A. I apologize, which relative could not be
5 licensed?

6 Q. There was a relative you asked to get licensed so
7 she could take placement. Do you recall that relative?

8 A. There was no relative that I asked to get
9 licensed for C [REDACTED]. There was a relative that had
10 reached out with interest in placement, and she could
11 take placement of C [REDACTED] as a relative without being
12 licensed. It would reduce the options for permanency,
13 but there was no relative that I asked to be licensed
14 that could not be.

15 Q. Okay. Why couldn't you place C [REDACTED] then with
16 the relative as a kinship placement?

17 A. A child can be placed with a relative under
18 kinship placement, and then transfer of guardianship is
19 a form of permanency that that child is eligible for.

20 In C [REDACTED]'s case we had reasons that we
21 factored into our decision as to why we were not
22 recommending to move C [REDACTED] from her then placement
23 to that relative.

24 Q. Was it because you only wanted C [REDACTED] adopted
25 or just not with a relative?

1 A. C [REDACTED] had been placed with her paternal
2 grandmother for, I think it was a year and four months,
3 if the math is correct. During that time period Ms.
4 R [REDACTED] was not in a position that she wanted to become
5 the legal guardian for a variety of reasons. She wanted
6 to be grandma to C [REDACTED]. With that being said, we
7 looked at moving C [REDACTED] to be with her siblings, and
8 we were only going to move C [REDACTED] if she could be
9 with her siblings, which did occur, which is why we
10 moved C [REDACTED] from a relative placement to a foster
11 home. This was a decision made with her paternal family
12 in addition to the agency, and in addition to the foster
13 home.

14 MR. LEHTO: No further questions. Thank you.

15 THE COURT: Thank you. Anything further
16 from anyone?

17 MR. HOLZMAN: No, Your Honor.

18 THE COURT: Okay. All right. Thanks, Ms.
19 Miller. I think that concludes your testimony.

20 Mr. Kreger, any additional evidence for the
21 State?

22 MR. KREGER: I have no further witnesses,
23 Your Honor. I would note I did file a birth certificate
24 and paternity documents for each child in their
25 respective cases. I re-filed an updated Court Report for

1 H [REDACTED] J [REDACTED]. I would ask the Court to take judicial
2 notice of the Criminal Complaint and court record in 18
3 CF 1824, a Milwaukee County case.

4 THE COURT: All right. I take judicial
5 notice of all of those. Did you also re-file the CHIPS
6 related documents in C [REDACTED]'s case so that--or no.

7 MR. KREGER: So those documents were
8 correctly filed in C [REDACTED]'s case. I do not know why
9 they're attached to the other case.

10 MR. LEHTO: Then the correct document should
11 be find in M [REDACTED]'s case if you want to have them in
12 evidence. They're not for her case.

13 MR. LACERA: I have access to the eFile. It
14 is actually in M [REDACTED]'s case. It's Document 84 and page
15 132. That's the dispositional order.

16 MR. KREGER: I would note that the Court
17 already did judicial notice of the documents.

18 MR. LEHTO: I'll check into that. We'll
19 discuss that off the record. I think it's an order for
20 the wrong child in my client's case.

21 THE COURT: I think Mr. Lacera is correct.
22 If you look at Document 84--what page did you say?

23 MR. LACERA: 132.

24 THE COURT: Yup, that's correct. What
25 happened was petitioner's exhibits were all filed under

1 the exhibit list as one giant document. It is actually
2 in there under a separate document, and that is
3 M█████'s.

4 All right. I have taken judicial of those
5 documents. The State then rests?

6 MR. KREGGER: Yes, Your Honor. The State rests
7 subject to rebuttal.

8 THE COURT: Thank you. Mr. Lehto, are you
9 going to call additional--wait, no. I should be asking
10 Ms. Ward.

11 Ms. Ward, does Ms. M█████ have witnesses?

12 MS. WARD: Yes. I don't know--I know
13 Mr. Holzman might have a witness physically here. I
14 didn't know if that took precedent over our Zoom
15 witnesses. I just wanted to check.

16 THE COURT: If everyone is agreeable to do
17 it that way, I am as well. Do you want to see if your
18 witness is here, Mr. Holzman?

19 MR. HOLZMAN: She is here. It's V█████
20 R█████. I'll bring her right in.

21 **(Ms. V█████ R█████ Entering Courtroom)**

22 THE COURT: Okay, great. Good afternoon,
23 ma'am. We're just getting the witness stand cleaned up
24 between you and the last witness. You can come on up.
25 Please remain standing and raise your right hand. Do you

1 solemnly swear or affirm that the testimony you're about
2 to give shall be the truth, the whole truth, and nothing
3 but the truth so help you God; or, upon pain of penalty
4 of perjury?

5 MS. V [REDACTED] R [REDACTED]: Yes, I do.

6 THE COURT: Please have a seat. Deputy, why
7 don't you help her get set up with the microphone.

8 **(Deputy Adjusting Microphone)**

9 THE COURT: Ma'am, as you can see,
10 Mr. W [REDACTED], if you look up on the big screen up there
11 on the left hand corner, is Mr. C [REDACTED] W [REDACTED]. He
12 is one of the parties in this case, and you have to
13 speak really loud like this into the microphone for him
14 to be able to hear you, okay?

15 MS. V [REDACTED] R [REDACTED]: Okay.

16 THE COURT: Okay. If you could please begin
17 by stating and spelling your name.

18 MS. V [REDACTED] R [REDACTED]: V [REDACTED] R [REDACTED];
19 V- [REDACTED], R- [REDACTED].

20 THE COURT: Perfect. Go ahead, Mr. Holzman.

21 **DIRECT EXAMINATION**

22 BY MR. HOLZMAN:

23 Q. How old are you?

24 A. Sixty-one. I will be 62 next month.

25 Q. Are you in good health?

1 A. Yes.

2 Q. Tell me a little bit about your sources of
3 income.

4 A. Well, I have rental properties. I am a landlord.
5 I work 19 hours a week for GT Independence. I'm a home
6 health aide.

7 Q. Where do you live?

8 A. I live in [REDACTED]

9 [REDACTED].

10 Q. Is it a--do you rent the house or do you own it?

11 A. I own it. It's a three-bedroom, two-bath condo.
12 There's a private basement and a private fenced in
13 patio.

14 Q. Do you live alone or with anybody?

15 A. I live alone.

16 Q. Do you have children?

17 A. Yes. I have five children. They're all out of the
18 house, grown, and on their own.

19 Q. Is one of those children L [REDACTED] R [REDACTED]?

20 A. Yes, that's my daughter.

21 Q. Let me ask you a couple questions about your
22 relationship with C [REDACTED]. Do you know C [REDACTED]
23 M [REDACTED]?

24 A. Yes. She's my great-granddaughter.

25 Q. She's your great-granddaughter. Can you describe

1 how you know her?

2 A. I know her through my grandson, J [REDACTED] C [REDACTED],
3 which is the father. I been knowing C [REDACTED] since
4 birth. We have a really great close relationship. She's
5 close to her father. She's so happy when she's with
6 J [REDACTED]. She's happy when she's with all of us because we
7 are family. It really just hurts my heart that she's not
8 with us now, you know. I just want C [REDACTED] to be with
9 family. I always thought it would be best for her to be
10 family.

11 J [REDACTED] is trying to get custody of his daughter.
12 I'm trying to help him. If I could get custody, I would
13 just really love it. There's nothing like seeing
14 C [REDACTED] with her father. It brings tears to my eyes
15 because that's no longer possible.

16 I understand that C [REDACTED] is with the foster
17 family now, but like I said, I just think it's best that
18 family be with family. If the foster family gets custody
19 of her they can say well, "We don't want you to be a
20 part of her life," and there's nothing we can do.

21 Now, C [REDACTED] has other siblings with the
22 foster mom and foster dad, but there was one of her
23 sisters that's right up under her that's not there
24 anymore because I guess she had some type of problems or
25 they couldn't handle it and they put her in another

1 foster home.

2 My concern about that is if that was their real
3 daughter, what if the time comes along when C [REDACTED]
4 has some type of issues? Are they willing to just put
5 her into another foster home? My thing is we all have
6 some type of problem, you know, and it could be very
7 well that C [REDACTED] can experience these things as
8 she's growing up. Are they just willing to put her aside
9 too?

10 Q. Let me go back a little bit. I understand your
11 concerns. What contact have you had with C [REDACTED]
12 recently?

13 A. I have contact with C [REDACTED] when she's with
14 L [REDACTED] R [REDACTED], which is my daughter. It's just
15 wonderful. It's just wonderful. Sometimes when my
16 daughter have her I don't--if my daughter don't contact
17 me and tell me because it's just so much when she has
18 contact of her we just so glad to spend that time with
19 her so sometimes if, you know, I don't get a chance to
20 see her when she do have her.

21 Q. Ms. R [REDACTED], do you go over to your daughter's
22 house, is that what you do?

23 A. Yes, I do.

24 Q. And does she call you? Does L [REDACTED] call you
25 when she's there?

1 A. Sometimes she don't if they have some plan going
2 on or anything. C [REDACTED] has lots of cousins and
3 things, you know, so when she's over, they keep quite
4 busy doing things together. I see C [REDACTED] a lot, you
5 know, most of the time when she's with my daughter. We
6 have a good time. We go shopping. I buy her things. We
7 just love to hang out together.

8 Q. What does she call you?

9 A. She calls me "Granny."

10 Q. How does she react when she sees you?

11 A. She gives me a big hug every time I see her. I
12 know that since her siblings that's under there isn't
13 there, I can just tell that when she speaks because when
14 it first happened--when she first came to me, it was
15 like--I was like, what was wrong? She said her sister
16 isn't there anymore. I don't know what type of reason
17 they had for getting her out of the house. I know they
18 do have other foster kids, but that would tear me apart,
19 you know, one of my siblings is not there anymore.

20 Q. Has C [REDACTED] ever told you that she loves you?

21 A. C [REDACTED] tells me she always loves me. Every
22 time I see her, "I love you, Granny." Before we depart
23 it's always a big hug and "I love you, Granny." She
24 loves her dad so much. For her not to maybe be able to
25 have a mother and a father in her life, that would be

1 devastating. J [REDACTED] loves his daughter. J [REDACTED] is good
2 with his daughter. He makes sure no matter what,
3 birthdays and even just to say "I love you," you know,
4 he do what he can for his daughter and that love is just
5 there. The love is just there. If she walked into this
6 room right now, she would run up to him and give him a
7 big hug.

8 Q. Do you--in the visits you have had with your
9 daughter when C [REDACTED] is present, has J [REDACTED] ever
10 been there?

11 A. Yes.

12 Q. What happens--how does he behave when he's there?

13 A. He's happy. He's all smiles. He takes pictures
14 with the phone. When those two are together, it's so
15 much happiness, and it's like when it's time to say
16 goodbye, I can tell it affects both of them.

17 Q. Let me go back a little bit. You said you had
18 this contact with C [REDACTED] when she's at your
19 daughter's house?

20 A. Yes. I've had contact with C [REDACTED] since she's
21 born.

22 Q. Have you ever talked to the foster parents?

23 A. I've spoken to foster parents.

24 Q. Do you know whether or not they would allow you
25 to be a part of C [REDACTED]'s life?

1 A. I'm not sure right now. I'm sure they are good
2 foster parents. My daughter does have contact with them.
3 I've never spoke with them or anything like that because
4 we get to see her.

5 Q. Let me ask you a question and go back a little
6 bit. The times that you have--while C [REDACTED] was
7 living with your daughter back in 2017, did you have
8 contact with her?

9 A. Yes. I had more contact with her when she was
10 with my daughter then I do now.

11 Q. How often would you have contact with her then?

12 A. Oh, gosh. We live not far apart. It was, like,
13 three or four times--any time--I would pass there every
14 day, and sometimes I would see them out and I would just
15 stop. I wouldn't want to say every day, but it would be
16 mostly every day.

17 I would say sometimes four to five times a week,
18 sometimes every week, but at the times we didn't see
19 each other, you know, we make sure we call. I was just
20 more active in her life because we didn't live far, and
21 I could take her to Wal-Mart, buy her dolls, buy her the
22 things she likes, take her for a walk, take her to the
23 park. We did all this stuff that we done, which right
24 now we don't do as much.

25 Q. You've indicated to me that you wish to be--

1 THE COURT: --Can't hear you, Counsel.

2 Q. You've indicated that you wish to be an adoptive
3 resource for C [REDACTED]?

4 A. Yes. I have been a foster parent, and I would
5 just love C [REDACTED] to come into my home so we can just
6 be family.

7 Q. When were you a foster parent?

8 A. I was a foster parent, oh gosh, last time I was a
9 foster parent about 18 or 19 years ago.

10 Q. Were you licensed to be a foster parent?

11 A. Yes, I was.

12 Q. Okay. Do you think there's anything on your
13 record that would prohibit you from being licensed
14 again?

15 A. No.

16 Q. Do you have any contact with Ms. Miller who is
17 sitting to your left, concerning your willingness or
18 your desire to adopt C [REDACTED]?

19 A. No. Do I have any concerns about it?

20 Q. Did you have any contact?

21 A. No, no contact. I've never had any contact.

22 Q. Did you talk to her on the phone?

23 A. No.

24 Q. Did she ever send you a letter or tell you that
25 she wouldn't consider you as an adoptive resource?

1 A. No.

2 Q. Are you still willing to be an adoptive resource
3 for C [REDACTED]?

4 A. Yes, I am.

5 Q. Has anybody talked to you about continuing
6 contacts with C [REDACTED] if the parental rights of your
7 grandson are prohibited or terminated?

8 A. No. No one talked to me about that. It's just
9 hard to even think about that, but so far I haven't
10 spoke to anyone about that. I know my daughter that had
11 custody of her, you know, it was hard for her. At that
12 time I didn't know C [REDACTED] was going back into the
13 foster system, but my daughter came down very ill. She
14 was unable to care for C [REDACTED].

15 Once I heard of that I started acting right away
16 because I want C [REDACTED] to be with family. I don't
17 want C [REDACTED] to ever grow up and just think "Wow,
18 nobody fought for me." Like I said, I had kids in my
19 home. I was raising kids that I wasn't a foster parent
20 to just so they could have help.

21 I've noticed the kids--they always say that no
22 matter what, they prefer to be with their family. They
23 love their foster parents, they did what they can, but
24 at least a family member--why didn't an aunt, uncle,
25 grandmother or someone step up?

1 I'm here stepping up on behalf of my
2 great-granddaughter, and I'm sure that anybody can
3 understand that. I love her. She's family. I've have
4 always believed that family should be with family, and
5 there's no way that I'm going to give up fighting for
6 C [REDACTED].

7 MS. WARD: I have no further questions.
8 Thank you so much.

9 THE COURT: Thank you. Ms. Ward, any
10 questions for this witness?

11 MS. WARD: Yes.

12 **CROSS-EXAMINATION**

13 BY MS. WARD:

14 Q. Ms. R [REDACTED], I'm sitting here. I don't know if
15 you can see us over here, but I'm sitting here with the
16 mother, B [REDACTED] M [REDACTED].

17 A. Yes.

18 Q. What is your relationship with Ms. M [REDACTED]?

19 A. Ms. M [REDACTED] is--well, she's just my
20 granddaughter's mother. I have no problems with her.
21 Regardless, she doesn't have custody of her kids but I
22 still think she's a good mother.

23 I think if B [REDACTED] could get custody of the
24 children, I will be willing to help B [REDACTED] as much
25 as possible. I will even be right now if she needed a

1 place to stay, she could move into one of my properties
2 or move in with me and I would help B [REDACTED] with her
3 kids. If B [REDACTED] can get all five of her kids back,
4 it would be great, and I would help her as much as
5 possible. I would like to see C [REDACTED] to have a whole
6 future with her siblings because right now they're all
7 young, and I don't want that bond to be broken. I think
8 C [REDACTED] is a great person. I can't judge anyone. I'm
9 glad for the--

10 MR. KREGER: --Your Honor, I'm going to
11 object. We're getting a little unresponsive here.

12 THE COURT: Sure. Ms. Ward, do you want to
13 ask another question?

14 MS. WARD: I will, thank you.

15 BY MS. WARD:

16 Q. Let's say C [REDACTED] was placed with you. You'd
17 be willing to have continued contact with Ms. M [REDACTED] and
18 C [REDACTED]?

19 A. Yes, I would.

20 Q. Has H [REDACTED] ever come over to your daughter's
21 home with C [REDACTED]?

22 A. There have been times when H [REDACTED] was there
23 with C [REDACTED]. When H [REDACTED] and C [REDACTED] was
24 smaller they was in my care for, I forgot how long for,
25 maybe a few weeks or a month or so. I'm not sure at this

1 time. I enjoyed it. I really enjoyed it.

2 At that time, you know, they were young. They
3 were the only two. B [REDACTED], you know, she stepped in.
4 B [REDACTED], as far as I can say, she's a good mother.
5 She loves her kids. For whatever reason they are where
6 they are. Like I said, I would support B [REDACTED] if she
7 can get those kids. I will be right there with her to
8 keep everyone together as a family.

9 Q. Recently has H [REDACTED] come over with C [REDACTED]
10 in the past, let's say, year?

11 A. You say how often?

12 Q. Recently has H [REDACTED] come over to your
13 daughter's home in 2021 at all?

14 A. 2021 at all, I would say yes.

15 Q. Do you know how many times H [REDACTED] was there?

16 A. I can't say how many times because H [REDACTED] don't
17 come over, like, a lot. I know my daughter wouldn't
18 mind. They are sisters. That would be great. I can't say
19 how many times in 2021. I think I remember at least one
20 time.

21 Q. What about 2020?

22 A. 2020, yes. H [REDACTED] have come over with
23 C [REDACTED] at my daughter's house.

24 Q. Those have been overnights?

25 A. I think maybe it have been overnights that she

1 came and stayed. It just worked out beautiful, two
2 sisters together. I can't say it happens often. It does,
3 you know, happen. My daughter tried to do it as much as
4 possible.

5 Q. What about M██████? Has M██████ ever come over?

6 A. No. I've never seen M██████ over. I have never saw
7 M██████ in person, only pictures.

8 Q. You have talked about the fact that you think
9 it's very important for a family to be together. If
10 there was a possibility that all three girls could be
11 placed with you, would that be something you would be
12 interested in?

13 A. I would love that. I would love for all three
14 girls and all two boys to be placed in my care; that no
15 one be separated. If it was all girls, I would be
16 willing to take them, and I'm sure they would miss their
17 brothers. I would love to have them as a family so they
18 can grow up as a family.

19 Q. Did anyone ever talk to you about licensing?

20 A. About what?

21 Q. Getting a foster care license?

22 A. I'm in the process of doing that. I wanted to at
23 least get one court--go to court at least once and just
24 see, you know, how things would go and take it from
25 there.

1 Q. Do you know where you are in that process?

2 A. I haven't even started. This is my first court
3 appearance. After this I will start working on, you
4 know, getting licensed again.

5 Q. Is part of the reason that your daughter doesn't
6 have C [REDACTED] in her home was because she wanted the
7 siblings to be together?

8 A. No. My daughter doesn't have C [REDACTED] because
9 my daughter came down--my daughter was a teacher. She
10 went from teaching to social working. At that time she
11 started having fainting spells, dizzy spells, and even
12 now my daughter can't drive.

13 It's just a very disabling condition where she's
14 always sick. When she stands up, she's sick. She have to
15 take in extra sodium. She has to watch her diet. She
16 came down with this illness, and that's the reason that
17 B [REDACTED] is not with my daughter.

18 Q. When did she come down with this illness?

19 A. My daughter came down with this illness, gosh, I
20 want to say maybe a couple years ago. She was
21 hospitalized. They didn't know what was going on. She
22 went to the Mayo Clinic.

23 I think they kind of found really what was going
24 on, but then it was diagnosed as Pox disease. She's
25 pre-diabetic or diabetic. The thing is, Pox is something

1 you deal with every single day. My daughter just got to
2 where she wasn't able to do the things that need to be
3 done, but I can remember my daughter getting up with
4 B [REDACTED] [sic], you know, getting ready for school for
5 the bus and everything. My daughter had to literally
6 just hold on to things and, you know, it's just she
7 couldn't give her the quality of care with her being
8 sick like that.

9 Q. Your daughter couldn't give C [REDACTED] the
10 quality care?

11 A. Yeah, because my daughter was always sick. She
12 would just sometimes just pass out and faint. Pox
13 disease affects you, and it's so--

14 MR. KREGGER: --Your Honor, I'm going to
15 object to unresponsive.

16 THE COURT: Ms. Ward, next question.

17 BY MS. WARD:

18 Q. Is your daughter still married?

19 A. Yes, my daughter is married. I did want to add if
20 C [REDACTED] was in my care, my daughter would be able to
21 see her because my daughter misses her. My daughter
22 wants to be a part of her life. It's just that everyday
23 living care, you know, would be hard for her with
24 C [REDACTED] being of school age, but--

25 THE COURT: --Ma'am, let's let another

1 question come.

2 MS. WARD: I don't have any other questions.

3 THE COURT: Thank you. Mr. Lehto, any
4 questions?

5 MR. LEHTO: No, Your Honor. I'm going to, I
6 think, acknowledge--I thought through since I'm not a
7 party to this particular TPR I don't think questions
8 would be appropriate. I hadn't thought of that on the
9 last witness.

10 THE COURT: Yeah, that makes sense. That's
11 what I was getting at. Probably the same for you Ms.
12 Strigenz, right?

13 MS. STRIGENZ: You're right, Judge.

14 THE COURT: All right. Mr. Lacera, I
15 apologize, did I miss you? Maybe I'm going to Mr. Kreger
16 next, right?

17 MR. KREGER: I think that would be correct.
18 I have no questions.

19 THE COURT: Thank you. Mr. Lacera, any
20 questions?

21 MR. LACERA: No, Your Honor. Thank you.

22 THE COURT: Mr. Holzman, any redirect?

23 MR. HOLZMAN: No redirect, Your Honor.

24 THE COURT: Ms. R██████████, thank you for
25 taking the time to be here today. Thank you for your

1 devotion to your family. I appreciate everything that
2 you let the Court know.

3 MS. V [REDACTED] R [REDACTED]: Thank you so much.

4 THE COURT: Thank you.

5 MS. V [REDACTED] R [REDACTED]: Do I leave now?

6 THE COURT: Yes, ma'am. You can leave now.

7 MS. V [REDACTED] R [REDACTED]: Do I go home or stay
8 here?

9 THE COURT: You can go home.

10 MS. V [REDACTED] R [REDACTED]: Thank you.

11 **(Ms. V [REDACTED] R [REDACTED] Exiting Proceeding)**

12 THE COURT: All right. Maybe it makes sense
13 just for me to, since Mr. Holzman you've just done a
14 witness, does it make sense for me to ask if you have
15 any other witnesses at this point?

16 MR. HOLZMAN: The only witness would be
17 Mr. C [REDACTED].

18 THE COURT: Okay. I don't know, Ms. Ward,
19 what do you think?

20 MS. WARD: I have two witnesses that are by
21 Zoom, which would be T [REDACTED] J [REDACTED] and K [REDACTED] J [REDACTED].

22 THE COURT: Maybe we should just continue
23 with the external witnesses that are waiting, if that's
24 okay with everybody. The parties will be here the whole
25 time.

1 MR. HOLZMAN: That's fine, Your Honor.

2 THE COURT: Let's see who's in the waiting
3 room and who'll come in next.

4 MS. WARD: If we could call Ms. T [REDACTED]
5 J [REDACTED] first. She's in California. She's in a little
6 bit of a different time zone and has to do with work
7 issues.

8 **(Ms. T [REDACTED] J [REDACTED] Entering Proceeding via Zoom)**

9 THE COURT: Her camera is off and she's not
10 connected by audio. I've prompted her remotely through
11 the Zoom system a couple times to start her video. I
12 don't know if she's on the other side of that black
13 screen.

14 MS. WARD: We're trying to text her right
15 now.

16 THE COURT: Okay, great. Thank you.

17 **(Pause in Proceedings)**

18 MS. T [REDACTED] J [REDACTED]: Can you hear me?

19 THE COURT: Yes, ma'am. Can you hear the
20 Court okay?

21 MS. T [REDACTED] J [REDACTED]: Yes, I can hear you now.

22 THE COURT: All right. Are you T [REDACTED]
23 J [REDACTED]?

24 MS. T [REDACTED] J [REDACTED]: I am.

25 THE COURT: All right. Ma'am, my name is

1 Judge Brostrom. If you could raise your right hand, and
2 I'm doing the same. I don't know, Ms. Ward, if she will
3 have a good enough connection.

4 MS. T [REDACTED] J [REDACTED]: My hand is raised. You
5 can't see me?

6 THE COURT: I can, but you're cutting in
7 and out. We'll give it a shot, though. Do you solemnly
8 swear or affirm that the testimony you're about to give
9 shall be the truth, the whole truth, and nothing but the
10 truth so help you God; or, upon pain of penalty of
11 perjury?

12 MS. T [REDACTED] J [REDACTED]: I do.

13 THE COURT: Thank you. Could you please
14 begin by stating and spelling your name?

15 MS. T [REDACTED] J [REDACTED]: My name is T [REDACTED]
16 J [REDACTED]; T-[REDACTED], J-[REDACTED].

17 THE COURT: Thank you. The first person who
18 is going to ask you some questions is an attorney named
19 Cheryl Ward. She represents the mother, B [REDACTED]
20 M [REDACTED].

21 MS. T [REDACTED] J [REDACTED]: Okay.

22 THE COURT: Ms. Ward, you can go ahead.

23 **DIRECT EXAMINATION**

24 BY MS. WARD:

25 Q. Ms. J [REDACTED], how are you related to H [REDACTED]?

1 A. She's my niece.

2 Q. Do you remember the first time that you reached
3 out to the case worker, Lauren Miller, to talk about
4 placement?

5 A. First time I reached out to her had to be over a
6 year ago when I first heard about the kids going into
7 custody.

8 Q. At that point in time did you get a response from
9 Ms. Miller?

10 A. The communication with Ms. Miller was always kind
11 of on and off. I didn't get a lot of information until
12 probably recently, but the communication at first, no,
13 it wasn't that great.

14 Q. And you live in California?

15 A. I do.

16 Q. How long have you lived in California?

17 A. I've lived in California since the end of 2015.

18 Q. And what do you do for a living?

19 A. I'm in the military.

20 Q. Are you in the active military such that you
21 could be--

22 A. --Yes, I'm active-duty military.

23 Q. And how long have you had that position?

24 A. I've been in the military since May of 2014.

25 Q. And do you live in a home or an apartment?

1 A. I live in an apartment.

2 Q. And how many bedrooms is it?

3 A. I live in a two-bedroom, two-bathroom apartment.

4 Q. Do you have any of your own children?

5 A. I have one child. He's three years old.

6 Q. So a son?

7 A. Yes.

8 Q. Recently Ms. Miller, probably about November or
9 December of 2020, reached out to you as a possible
10 placement for H [REDACTED], is that correct?

11 A. Yes.

12 Q. And in order to have placement did she talk to
13 you about going through an ICPC?

14 A. Yes. I've been in contact with the ICPC workers
15 up here. I filled out, you know, the application and
16 everything. I actually got my home inspected yesterday.

17 Q. You filled out the application?

18 A. Yes.

19 Q. And you had a home inspection yesterday?

20 A. Yes.

21 Q. Did they give you any idea about how that home
22 inspection went?

23 A. They told me that my home--my home had passed the
24 inspection.

25 Q. Did they tell you any next steps in order for you

1 to continue with the ICPC?

2 A. Yes. I have a couple of steps which is the
3 fingerprinting, the background check, and another
4 interview, and a 12-hour class that I have to schedule.

5 Q. Do you think you're going to have any issue
6 completing that?

7 A. They said it will probably take a couple months
8 for me to get approved. No, I'm not going to have an
9 issue completing everything. It's going to take a while
10 for me to get approved through them, but I don't see
11 anything wrong because, you know, I am in the military.
12 I already have a security clearance. I already have
13 fingerprinting. I just have to go through their system.
14 That's the only thing that's probably going to take a
15 while.

16 Q. Have you come to Milwaukee to try to visit with
17 H [REDACTED]?

18 A. I was in Milwaukee, I would say a month back, and
19 I left the day before they were supposed to do
20 visitation with B [REDACTED]. I was in contact with Ms.
21 Miller to see if I would be able to see her before I
22 left. She was already at another home and I didn't want
23 to inconvenience them by, you know, having them come
24 out.

25 Q. You were here about a month ago and H [REDACTED] was

1 already in the foster home of the M██████?

2 A. Could you repeat that?

3 Q. When you came about a month ago, H██████ was
4 already in the home of the M██████, correct?

5 A. Yes.

6 Q. You had left before Ms. M██████ had a visit?

7 A. Could you repeat that?

8 Q. You had left before it was scheduled to--for Ms.
9 M██████ to have a visit, so for H██████ to actually be
10 brought down?

11 A. Yes. I was in contact with Ms. Miller--**(Inaudible**
12 **Due to Faulty Connection)**

13 MS. WARD: My only other thought is she could
14 turn the camera off--

15 A. --I know they live a little ways out from where--
16 you want me to turn my camera off?

17 THE COURT: I think that would help because
18 then your audio signal might be stronger. Could you
19 repeat your last answer?

20 MS. T██████ R██████: My last answer for
21 visiting H██████ when I was in Milwaukee?

22 THE COURT: Yes.

23 A. I was in contact with Ms. Miller before I got out
24 to Milwaukee because I wanted to see if I would be able
25 to visit H██████ while I was out there, but she was

1 already in--she was supposed to have visitation with her
2 mom. I didn't want to inconvenience them by making two
3 trips to Milwaukee.

4 Q. At this point are you willing to have H [REDACTED]
5 placed in your home?

6 A. Yes, that's my goal.

7 Q. And you are aware that H [REDACTED] has some
8 behavioral issues?

9 A. Um, yes. I was told very little about that, but,
10 yes, I'm aware.

11 Q. If she was placed with you, you'd be willing to
12 continue therapy?

13 A. Yes.

14 Q. And contact with Ms. M [REDACTED]?

15 A. Yes. I talk to B [REDACTED] all the time. She calls
16 me all the time, so, yeah, I talk to her all the time.

17 Q. And would you be willing to have H [REDACTED] visit
18 with her siblings?

19 A. Yes. They're my nieces, too. Yeah.

20 Q. Is it your plan to stay in California or to move
21 somewhere else?

22 A. For right now I don't see myself moving out of
23 California for at least two more years. I won't be going
24 overseas or anything like that. I just got back.

25 MS. WARD: I don't have any other questions.

1 THE COURT: Thank you. Ms. Strigenz.

2 THE COURT: Ms. J [REDACTED], now the attorney
3 who is going to ask questions is Deborah Strigenz. She
4 represents Mr. J [REDACTED].

5 MS. T [REDACTED] J [REDACTED]: Okay.

6 **CROSS-EXAMINATION**

7 BY MS. STRIGENZ:

8 Q. Good afternoon, Ms. J [REDACTED]. Can you hear me
9 okay?

10 A. Yes, I can hear you.

11 Q. Good. As Judge Brostrom indicated I represent
12 Mr. C [REDACTED] J [REDACTED], and I'm going to asking you a few
13 questions.

14 Ms. J [REDACTED], what is your relationship to my
15 client, C [REDACTED]?

16 A. He's my brother.

17 Q. And do you have much contact with your brother,
18 C [REDACTED] J [REDACTED]?

19 A. I don't.

20 Q. Is most of your contact in this case with the
21 mother, Ms. M [REDACTED]?

22 A. Yeah, with the mother, and my mom.

23 Q. How much contact do you have with Ms. M [REDACTED] in a
24 monthly period of time?

25 A. B [REDACTED] probably calls me probably three or

1 four times probably, like, out of the week or text me.

2 Q. You just indicated you have contact with your
3 mother as well?

4 A. Yes.

5 Q. How often do you have contact with her?

6 A. Probably--I talk to my mom probably once or twice
7 a week.

8 Q. Ms. J [REDACTED], you mentioned in your earlier
9 testimony when Attorney Ward was asking you questions,
10 that the social worker in this case, Ms. Miller, had
11 reached out to you approximately--you had contact with
12 Ms. Miller approximately a year ago. Is that true?

13 A. Yes.

14 Q. But it was recently, fairly recently, that Ms.
15 Miller actually made contact with you regarding
16 H [REDACTED]?

17 A. Yes. B [REDACTED] had messaged me and asked me was
18 I still willing to get H [REDACTED] because she knew I was
19 trying to get her earlier on in the case, so she gave me
20 Lauren's contact information and I was calling and
21 trying to get in contact with her. She finally got back
22 in contact with me probably late November or early
23 December.

24 Q. I missed that, late November and early December
25 of 2021?

1 A. Yes.

2 Q. It seems from your testimony that you in fact had
3 wanted to get H [REDACTED] or have placement of H [REDACTED]
4 earlier than November or December of 2021. Am I right on
5 that?

6 A. Yes.

7 Q. How long ago was that before November or December
8 of 2020?

9 A. I can't tell you the exact date. I just know it
10 was earlier on in the case. I know it was around the
11 time where my sister was trying get H [REDACTED] as well,
12 but I don't think she was approved for it. I was going
13 to try to do it.

14 Q. What happened during that first time that you
15 tried to have placement of your niece?

16 A. I'm not sure what happened, but I think they just
17 wanted H [REDACTED] to be closer to her siblings and her
18 parents at the time. Yeah, that's just an assumption. I
19 wasn't told why.

20 Q. At that first period of time when you were
21 thinking of having H [REDACTED] when you don't quite
22 remember the date, what was done or what did you do, or
23 who did you have contact with?

24 A. Could you repeat that? I couldn't hear the last
25 part.

1 Q. Sure. Who did you have contact with during that
2 first time that you were thinking to have your niece?

3 A. I think it was still Lauren on the case at the
4 time.

5 Q. That did not proceed anywhere?

6 A. No, it didn't.

7 Q. When Ms. Miller contacted you in November or
8 December of this year, what were you asked to do--or
9 what were you asked by Ms. Miller to do in regards to
10 H [REDACTED]?

11 A. What did Ms. Miller ask me to do?

12 Q. Exactly.

13 A. She asked me certain questions like, you know,
14 because I am in the military and I have a son, she
15 wanted to know if H [REDACTED] was to come with me, will I
16 be moving out of state or anything like that. She just
17 gave me a little bit more information or rundown on what
18 was going on with the case and what was going on with
19 B [REDACTED] and my brother, and that's when we started
20 the process of her filling out documents to get me in
21 contact with the ICPC worker and everything like that.

22 Q. You mentioned just a few months ago in your
23 testimony that you had been deployed overseas
24 previously?

25 A. I was deployed from May to October.

1 Q. Of what year, Ms. J [REDACTED]?

2 A. Last year.

3 Q. And where were you?

4 A. I was in Kuwait.

5 Q. Thank you for your service. What have your
6 superiors told you about any future deployments, if any?

7 A. I just came back from deployment so I'm
8 stabilized. I can't leave out of the country for a year,
9 and I just moved to a new section so I can't leave here
10 for a year. I don't see me living out of California for
11 the next two years.

12 Q. You mentioned you have a two-bedroom apartment,
13 correct?

14 A. Yes, I live in an apartment.

15 Q. Is that on base or off of base?

16 A. It's off base.

17 Q. And if you were able to have H [REDACTED] come and
18 live with you, what would you anticipate the bedroom
19 arrangements would be since you have your son who is
20 three?

21 A. I told the ICPC worker that once H [REDACTED] does
22 come and live with me, I want H [REDACTED] to have her own
23 room, and I do have a son. I will be moving to an off
24 base military housing to a three-bedroom. When that
25 happens or when I figure out that she's actually going

1 to be living with me, then that's what I plan to do.

2 Q. How difficult would it be to obtain a
3 three-bedroom apartment on a fairly quick basis?

4 A. It's not difficult at all. I just go to Housing
5 Authority and fill out an application. They tell me
6 which houses are available and which communities off
7 base and I do the inspection. It's just like a regular,
8 you know, house or apartment. It's just military
9 housing.

10 Q. This is military housing but it's off of base?

11 A. Yes.

12 Q. I would assume, please correct me if I'm wrong,
13 it will be fairly likely you will get a three-bedroom
14 apartment?

15 A. I didn't hear the last couple--

16 Q. --I'm assuming that it will be fairly likely, if
17 this is housing arranged through the military, that if
18 you had two children, you would be able to get a three
19 bedroom apartment?

20 A. It's not an apartment. It will be a townhouse.

21 Q. Very good. Ms. J [REDACTED], without trying to pry too
22 much, do you have the financial resources to be able to
23 raise both your son and your niece; to raise two
24 children?

25 A. Yes. I'm an E-6 in the Marine Corps. I am

1 financially stable. I don't have any debt. I just got
2 off of a deployment, and I have a great savings account
3 and a TSP. I have insurance. I would be able to take
4 care of my niece and my son.

5 Q. And you live alone? You are not married or no
6 longer married?

7 A. Yes, I do live alone.

8 Q. Attorney Ward alluded to H [REDACTED] having some
9 emotional difficulties. Do you remember Ms. Ward just
10 asking you that question a few minutes ago?

11 A. Yes.

12 Q. And have you discussed any of those emotional or
13 behavioral issues with Ms. Miller during your
14 discussions or during your--

15 A. --She told me slightly about the emotional things
16 that H [REDACTED] was going through; basically lashing out
17 or anger. With H [REDACTED] being a child in the foster care
18 system and moving around so much, I would expect those
19 things. She's a child. I would still support her and
20 take her to therapy. I don't have a problem with that.

21 Q. If in fact, Ms. J [REDACTED], these behavioral changes
22 were more than being in the foster care system and
23 needed more attention, is that something you have the
24 capabilities to assist with such as getting H [REDACTED] in
25 therapy?

1 A. Yes.

2 Q. If H [REDACTED] needed to be on medication, is that
3 something that you would be willing to assist with;
4 meeting with psychiatrists or doctors?

5 A. Yes. If a medical professional told me that
6 H [REDACTED] would need medication and it's something that
7 she can't work through without medication, I would
8 definitely abide what the medical professional said.

9 Q. When I ask you these questions about possible
10 problems with H [REDACTED]'s behavior or emotional status,
11 does that concern you or make you worried or think this
12 is not what you want to do?

13 A. Me being a parent and hearing that my niece, any
14 child that would need, you know, medication, yes, it
15 would concern me. That doesn't change my mind.

16 Q. You would be willing to take on maybe some
17 difficult behavioral issues?

18 A. Yes.

19 Q. Why are you willing to do this, Ms. J [REDACTED]?

20 A. She's my niece. I was in foster care. I was there
21 when she was born. I cut her umbilical cord. I used to
22 take care of her, and I love her.

23 Q. When is the last time that you've seen H [REDACTED]?

24 A. The last time I seen H [REDACTED] is when I left for
25 boot camp in 2014.

1 Q. It's been a long while since you've seen your
2 niece?

3 A. Yeah, it's been a long time. We do video chat.
4 When she has visitation with her mom, she will video
5 chat me.

6 Q. I was just going to ask you that. Have you had
7 any contact with H [REDACTED] that may not be in-person
8 visits?

9 A. Yeah. She will video chat me or she'll call me
10 when she's around the kids I will see her over
11 the--well, digitally.

12 Q. How often would you say you're able to video chat
13 with H [REDACTED]?

14 A. B [REDACTED], she calls me every time she's around
15 the kids.

16 Q. Ms. J [REDACTED], I just missed that last part.

17 A. Whenever she's around H [REDACTED] and C [REDACTED].

18 Q. Would you say that's once a month or more than
19 once a month?

20 A. Whatever her visitation is. I mean, I can pull it
21 up on my phone and tell you what the last time was. I
22 did have video--I think the last time B [REDACTED] had
23 visitation she called me and I spoke to H [REDACTED] and
24 C [REDACTED].

25 Q. What type of school situation would H [REDACTED]

1 would be in if she came to live in with you?

2 A. H [REDACTED] is eight, right, so whatever grade she's
3 in she'll go there and she'll be in after school, like,
4 daycare on base.

5 Q. Is the school, the public school that you know
6 of, is that an on-base school or an off-base school?

7 A. What grade are eight year olds? Do you know--

8 Q. --I'm sorry, Ms. J [REDACTED], we just lost you again.
9 Ms. J [REDACTED], there's been some thought that H [REDACTED] may
10 have to repeat second grade because she is having some
11 academic difficulties. Is that something that if that
12 was the case, you would be willing to address with your
13 niece?

14 A. Yeah.

15 Q. You would be willing to work with the educators?

16 A. Yes.

17 Q. Ms. J [REDACTED], one of the thought processes that I
18 believe that has been coming up in this case with you
19 possibly having placement of your niece, H [REDACTED], is
20 that she has a number of siblings who live in Wisconsin.
21 You're very aware of that, right?

22 A. Yes.

23 Q. In fact, before she left the foster home that she
24 lived in, she lived with a number of other siblings and
25 you knew that, right?

1 A. I did.

2 Q. And your brother also has children that he lives
3 with that would be half-siblings with H[REDACTED]. Are you
4 aware of that?

5 A. Yes, I'm aware.

6 Q. I am sure that there are some concerns that if
7 H[REDACTED] came to live with you in California, while that
8 might be a good placement, it would mean she would not
9 see her siblings. Do you have any concerns about that?

10 A. No, I don't have any concerns about that.
11 H[REDACTED] can see her siblings. She can video call them.
12 If she wants to talk to them, her mother, her dad,
13 that's fine with me. My major concern is with H[REDACTED]
14 and where she is. I would rather her be with me or with
15 family in a stable home rather than being bounced around
16 in foster care just because you want her to stay around
17 her family or closer to her family.

18 Q. You believe that's important?

19 A. I believe it's important for her to be stable in
20 a stable place, yes.

21 Q. You would be willing to facilitate a continued
22 relationship with H[REDACTED] and all of her siblings
23 through video chatting or anything else?

24 A. Yes, absolutely. I would never keep her away from
25 her family.

1 Q. If you felt it was appropriate, how would you
2 make sure H [REDACTED] has contact with her mother and
3 father, who is your brother?

4 A. Her mother has my number. She can call me
5 whenever she wants. I'm very open. She can call me
6 whenever she wants. If she wants to call, I'll answer.

7 Q. Without trying to put any financial burden on
8 you, do you think there is ever a possibility that you
9 would be able to return to Wisconsin as you did a month
10 ago? Is there any thought process of coming back to
11 Wisconsin for a visit with H [REDACTED]?

12 A. To visit?

13 Q. A visit.

14 A. Yeah, absolutely. To visit, absolutely. To work,
15 there's no military bases for Marines in Wisconsin so I
16 wouldn't live there. I would definitely come to visit.

17 Q. I understand that.

18 A. If she wanted to visit me, that's fine, too. If
19 B [REDACTED] wanted to come to California or plan to come
20 to California to see H [REDACTED] then that will be fine
21 with me, too.

22 Q. You just mentioned that you felt it was very
23 important for your niece, H [REDACTED], to have a stable and
24 permanent home. Do you believe that you can offer that
25 stable and permanent home environment to your niece?

1 A. I do.

2 MS. STRIGENZ: I have no further questions,
3 Judge.

4 THE COURT: Thank you. Mr. Kreger, do you
5 have any questions for this witness?

6 MR. KREGER: No, Your Honor.

7 THE COURT: Thank you. Mr. Lacera, any
8 questions?

9 MR. LACERA: No, Your Honor. Thank you.

10 THE COURT: All right. Ms. J██████████, thank
11 you so very much for taking the time to appear remotely
12 today. Thank you for your service in the United States
13 Marine Corps. The Court is wishing you all the best.
14 That concludes your testimony. You're free to drop off
15 the hearing.

16 MS. T██████████ J██████████: Thank you so much. You
17 guys have a good day.

18 THE COURT: You, too.

19 **(Ms. T██████████ J██████████ Exiting Hearing Via Zoom)**

20 THE COURT: Madam Court Reporter, could you
21 use a break?

22 THE COURT REPORTER: **(Nodding Head)**

23 THE COURT: This is a good time for an
24 afternoon break. Why don't we take a break until 3:30.
25 We're off the record.

1

(Break in Proceedings)

2

THE COURT: Let's go back on the record.

3

No surprise, scheduling the continuation of this is very difficult. We set it June 3rd from 11 a.m. to 3 with our regular noon to 1:30 lunch break. Hold on. Let's go back off the record.

7

(Off the Record Discussions)

8

THE COURT: Turns out the newly proposed

9

date doesn't work for a number of the lawyers. We'll

10

keep the dates that I previously indicated. All right.

11

MS. STRIGENZ: Judge, could you go through

12

those dates again?

13

THE COURT: Yes. June 3 from 11 to 3 with

14

our regular lunch break. September 20 from 8:30 to 12.

15

Any other housekeeping matters we need to address before we continue with witnesses?

17

MR. HOLZMAN: No, Your Honor.

18

THE COURT: All right. Let's see who's

19

there. Ms. Ward, you can let me know who you'd like me to let in.

21

MS. WARD: I'm expecting K [REDACTED] J [REDACTED].

22

(Ms. K [REDACTED] J [REDACTED] Entering Hearing Via Zoom)

23

THE COURT: Good afternoon, ma'am. My name

24

is Judge Brostrom. Thank you for joining us.

25

MS. K [REDACTED] J [REDACTED]: Thank you.

1 THE COURT: We're going to go ahead and
2 just jump right in. If you can please raise your right
3 hand, and I'm raising mine.

4 MS. K [REDACTED] J [REDACTED]: Okay.

5 THE COURT: Do you solemnly swear or affirm
6 that the testimony you're about to give shall be the
7 truth, the whole truth, and nothing but the truth so
8 help you God; or, upon pain of penalty of perjury?

9 MS. K [REDACTED] J [REDACTED]: Yes.

10 THE COURT: Thank you. The first lawyer
11 who's going to ask you questions is named Ms. Ward. She
12 represents the mother, B [REDACTED] M [REDACTED].

13 MS. K [REDACTED] J [REDACTED]: Okay.

14 THE COURT: If you could please start by
15 stating and spelling your name, and then Ms. Ward, you
16 can go ahead.

17 MS. K [REDACTED] J [REDACTED]: K [REDACTED] J [REDACTED];
18 K-[REDACTED], J-[REDACTED].

19 **DIRECT EXAMINATION**

20 BY MS. WARD:

21 Q. Ms. J [REDACTED], how are you related to H [REDACTED]?

22 A. I am her auntie.

23 Q. And could you describe your relationship with
24 H [REDACTED] from birth?

25 A. Yes. It was a great relationship. They actually

1 stayed with me for a little while when H [REDACTED] was
2 first born. From there, her and my kids, they've had a
3 great relationship, as well as me and H [REDACTED].

4 Q. Was C [REDACTED] also there at that time?

5 A. Yes, ma'am. I actually had picked them up from
6 the hospital, so they stayed with me for a little while
7 when H [REDACTED] was first born.

8 Q. Have you kept in contact with Ms. M [REDACTED]
9 throughout H [REDACTED]'s life?

10 A. Yes, ma'am, I have. It's always been a continued
11 conversation. We talked over the phone plenty of times,
12 always about H [REDACTED]; how she's doing, what's going on.
13 She's always keeping me updated with her situation.

14 Q. Before H [REDACTED] was detained would you say you
15 saw her regularly?

16 A. Yes, I did.

17 Q. Once H [REDACTED] was detained in March of 2018 did
18 you reach out to the case worker, Lauren Miller?

19 A. Excuse me? Can you repeat that? I couldn't hear
20 you.

21 Q. Sure. Let me know if you can't hear me. I know
22 it's a little bit more of a difficult situation with the
23 Zoom.

24 In March of 2018 when H [REDACTED] was detained, did
25 you reach out to the case worker?

1 A. Yes, I did.

2 Q. And that was Lauren Miller?

3 A. Yes, ma'am.

4 Q. Why did you reach out to her?

5 A. Because we learned that H [REDACTED] was going into
6 the system, and at that time I did reach out to
7 B [REDACTED] and let B [REDACTED] know that I was okay with
8 H [REDACTED] coming to stay with me and my family. She was
9 currently staying with my mother and them. I guess it
10 was a situation where she was not able to stay there
11 anymore; and so, I reached out to Lauren to see if the
12 process could start where H [REDACTED] could stay with me.

13 Q. What response did you get from Lauren?

14 A. At the beginning the response was--it was great.
15 It was that me and my fiance would be a good fit; that
16 H [REDACTED] could come stay with us and we could start the
17 process.

18 We started the process, everything was going
19 smoothly. We went all the way up until where we was
20 scheduled for the classes and we took our first class.
21 We did a home visit. She saw all the room that H [REDACTED]
22 was going to get and everything, and then after that it
23 seemed like they booted us out.

24 I don't know what the reason was from her. She
25 told me that they wanted all the kids to be together and

1 they didn't want to split H [REDACTED] up from her siblings,
2 and that because we already had three boys H [REDACTED]
3 wouldn't be able to come and stay with us.

4 Q. Did you continue your contact with Ms. Miller
5 after that?

6 A. After that, no. She didn't really reach out. I
7 would have to call her or reach out to her and ask her,
8 okay, "Could I get H [REDACTED] for her birthday? Could I
9 get H [REDACTED] for a Halloween party?" Like, sometimes it
10 will go a couple months without hearing from her, and
11 then I'll reach out to B [REDACTED] and a new situation
12 has come or H [REDACTED] had to be placed somewhere else or
13 H [REDACTED] is going through new medical problems.

14 It was always something. It was always something.
15 It was never always where they kept me updated. It just
16 seemed like the whole process ended and the
17 communication with Lauren was not okay after that. It
18 was never consistent.

19 Q. And you actually asked if you could get H [REDACTED]
20 to go to a birthday party in January of 2019, is that
21 correct?

22 A. I'm sorry, can you repeat that?

23 Q. Yes. You actually asked if H [REDACTED] could come to
24 a birthday party in January of 2019?

25 A. Yes, I did. I actually--I actually invited

1 H [REDACTED] a couple of times. Her and my middle son, their
2 birthdays are a month apart and I wanted to
3 celebrate--the one that you're talking about was for my
4 son's birthday. His birthday is the day after Christmas,
5 and she said that she couldn't come. We tried to arrange
6 something for January, and at that time she was saying
7 that H [REDACTED] wasn't able to come and we had to get
8 permission from the foster family. She was telling me--I
9 was trying to get the process started so H [REDACTED] could
10 do overnight stays. Every time there was a visit to be
11 scheduled for home she will tell me, okay, well,
12 B [REDACTED] can't come to the house due to this
13 situation.

14 She would want to know who was all at the house,
15 who would be coming to the birthday party, and I always
16 told her, okay, I'm okay with following the rules. I
17 didn't mind. No birthday parties or anything ever
18 happened until recently. This was a while back, and she
19 was finally able to have H [REDACTED], C [REDACTED], and they
20 came over for a Halloween party, but that was the only
21 time. That was last year.

22 Q. That was in 2020?

23 A. Yes, ma'am. That was last year. That was the only
24 time I threw all the kids a Halloween party. The foster
25 mom, she was great to work with. She called ahead of

1 time; brought the kids over. It went from there. They
2 actually had a good time.

3 After that, I tried to get something set up for
4 Christmas for them because I had got Christmas gifts and
5 stuff, and at that time they said that at the time
6 H [REDACTED] was no longer in the foster home and that her
7 living situation changed.

8 I tried meeting up to do, like, the visits in the
9 office with B [REDACTED] and H [REDACTED]. I was waiting for
10 Lauren to give me a call back to set that up and I
11 didn't hear from her.

12 Q. H [REDACTED] and C [REDACTED] were at the Halloween
13 party, correct?

14 A. Yes, ma'am, they were.

15 Q. Were you open to having all three children placed
16 with you?

17 A. Yes, ma'am. At the time, me and my fiance told
18 them we didn't have any problems with bringing in the
19 baby girl, C [REDACTED], and H [REDACTED]. We told them that
20 we had all rooms for them to have. It would have been
21 they own room.

22 We told them that the boys, because I have three
23 boys, it would have been boys upstairs and girl
24 downstairs. We had more than enough space. We went
25 through the process. We got fire extinguishers. She said

1 everything was okay. It was more so when the baby boy
2 was born that she was like, okay, yeah, they don't want
3 to separate any of the kids, they want all of them to
4 stay together. After that it was like we was not in the
5 process anymore.

6 Q. Are you still open to having H [REDACTED] come live
7 with you?

8 A. I would be more than happy to have my niece stay
9 with me. That's no problem at all.

10 Q. You're aware that H [REDACTED] has moved to a
11 different foster home besides the S [REDACTED]s?

12 A. Yes, ma'am, I am.

13 Q. Are you aware of H [REDACTED]'s behavioral issues?

14 A. Yes, ma'am. That is not a problem at all. I've
15 lived with my brother. Growing up he had behavioral
16 problems, as well as ADHD. It's not a problem with me. I
17 know how to deal with situations like that that come
18 about. I don't think it would be a problem at all.

19 Q. And you feel like you're financially able to take
20 care of H [REDACTED]?

21 A. Yes. I'm a full-time medical assistant, and I'm
22 still in school for nursing. I am more than financially
23 stable to take care of my niece.

24 Q. What does your fiance do?

25 A. My fiance is a forklift driver, as well as a CDL

1 driver.

2 Q. And are you more than willing to continue
3 H[REDACTED] with therapy, is that correct to say?

4 A. Yes. I have been more than willing to help her go
5 through to any therapist that she needs to go to.

6 Q. What kind of contact are you having with H[REDACTED]
7 now?

8 A. Right now I speak with H[REDACTED] whenever she's in
9 her visits with her mom. I haven't been able to get back
10 to doing the visits. We actually been starting to work
11 on that again, but every time they have a visit H[REDACTED]
12 is on the phone and we're FaceTiming, and I'm watching
13 them do TikToks and everything. We do communicate and
14 it's really nice to speak with her over the phone. I
15 wish it could be more, but right now that's the
16 communication that we have.

17 Q. If H[REDACTED] was placed with you, would you intend
18 to continue her relationship with her mother, Ms.
19 M[REDACTED]?

20 A. Yes, if that's okay with the system and if that's
21 okay with B[REDACTED]. We would be more than welcome to
22 figure out a situation where they can stay in contact
23 and she's able to be around her daughter.

24 Q. What about with her siblings?

25 A. I can't hear you, ma'am.

1 Q. Sorry. What about with her siblings?

2 A. Yes. Her siblings is more than welcome to come
3 and be with her; birthday parties, it's not a problem.
4 I would love for them to stay in contact and stay being
5 around each other.

6 MS. WARD: Thank you. I don't have any other
7 questions.

8 THE COURT: Thank you. Ms. Strigenz, do you
9 have any questions?

10 MS. STRIGENZ: I don't have any questions,
11 ma'am. Thank you.

12 THE COURT: Mr. Kreger, any questions?

13 MR. KREGER: No, Your Honor.

14 THE COURT: Thank you. Mr. Lacera?

15 MR. LACERA: No, Your Honor.

16 THE COURT: Okay, thank you. Thank you so
17 much, Ms. J██████████, for your appearance here this
18 afternoon. You're free to go.

19 MS. K██████████ J██████████: Thank you. You guys have
20 a nice day.

21 THE COURT: Thank you. Buh-bye.

22 **(Ms. K██████████ J██████████ Exiting Hearing via Zoom)**

23 THE COURT: Mr. J██████████, what is your
24 mother's last name?

25 MR. J██████████: W██████████.

1 **(Ms. W [REDACTED] Entering hearing via Zoom)**

2 THE COURT: Ms. W [REDACTED], this is Judge
3 Brostrom, can you hear me? You have to unmute so we can
4 hear you.

5 MS. W [REDACTED]: I'm here.

6 THE COURT: Good afternoon, ma'am. We are
7 ready to start with your testimony. Thank you for your
8 patience today.

9 MS. W [REDACTED]: Yes, ma'am.

10 THE COURT: Please raise your right hand,
11 and I'm doing the same. Do you solemnly swear or affirm
12 that the testimony you're about to give shall be the
13 truth, the whole truth, and nothing but the truth so
14 help you God; or, upon pain of penalty of perjury?

15 MS. W [REDACTED]: Yes, ma'am.

16 THE COURT: Thank you. The first person who
17 is going to ask you questions is the attorney for the
18 mother, Ms. B [REDACTED] M [REDACTED]. Her name is Cheryl Ward.

19 MS. WARD: Judge, I'm sorry, this is not my
20 witness.

21 THE COURT: Oh, I'm sorry. Is this your
22 witness, Ms. Strigenz?

23 MS. STRIGENZ? It will be. It will be, yes.

24 THE COURT: Very good. I misspoke. The
25 first person who is going to ask you questions is

1 Attorney Deborah Strigenz, who is your son's lawyer.

2 Ms. Strigenz, if you want to go ahead.

3 Ma'am, could you start by stating and spelling your
4 name?

5 THE WITNESS: My name is S [REDACTED] W [REDACTED];
6 S-[REDACTED].

7 **DIRECT EXAMINATION**

8 BY MS. STRIGENZ:

9 Q. Ms. W [REDACTED], what is your relationship to my
10 client, C [REDACTED] J [REDACTED]?

11 A. He is my oldest son.

12 Q. What is your relationship to Mr. J [REDACTED]'s
13 daughter, H [REDACTED]?

14 A. I'm her grandmother.

15 Q. How often, if any, have you seen H [REDACTED] in the
16 recent past?

17 A. Well, I only been back to Wisconsin for a year.
18 I haven't seen her any this year. I did contact Lauren
19 and ask Lauren if it's possible that I can see her and
20 was it possible for me to try to let H [REDACTED] stay at
21 home with me again. She told me she will not be making
22 that recommendation.

23 Q. So you have not seen H [REDACTED] since the year that
24 you moved back to Wisconsin?

25 A. Can you repeat that one more time, please?

1 Q. You have not seen your granddaughter, H [REDACTED],
2 for the past year since you've moved back to Wisconsin?

3 A. Correct.

4 Q. Before you moved back, when did you have a
5 relationship, if any, with your granddaughter?

6 A. I have always had a relationship with my
7 granddaughter since she came home from the hospital.
8 We've always been together every now and then. She was
9 staying with me--at the beginning of this hearing she
10 was with me for a while. We have a very strong
11 relationship. She knows who I am.

12 Q. Ms. W [REDACTED], you said that H [REDACTED] had been
13 staying with you for a while "at the beginning." Can you
14 be more specific and give a time period regarding that?

15 A. Okay. I moved on [REDACTED] in 2012.
16 H [REDACTED] start staying with me in 2014. H [REDACTED] stayed
17 for almost two years before--I think almost two years
18 before she was actually in the custody of--in Wisconsin
19 and in custody of you guys.

20 Q. How old was H [REDACTED] when she stayed with you for
21 those two years?

22 A. It was off and on her staying with me. I had her
23 when she was a baby for about nine or ten months.
24 C [REDACTED] and B [REDACTED] had themselves together and the
25 baby was with them for a little while, and then this was

1 about--H [REDACTED] was--let's see, this was about 2016 or
2 2017. In 2017 H [REDACTED] came back to stay with me.

3 Q. When she was about three or four, is that about
4 right?

5 A. Yes, ma'am.

6 Q. How long was she with you then when she was three
7 or four?

8 A. She was with me for quite a bit of time. I want
9 to say from March of 2018, if I'm not mistaken, until
10 later that year, right before fall she was removed.
11 Lauren removed her from my home.

12 Q. Ms. W [REDACTED], when H [REDACTED] was with you these
13 various time periods, did either of her parents live
14 with you as well?

15 A. No.

16 Q. Have you had the opportunity to see your son,
17 C [REDACTED], parent H [REDACTED]?

18 A. Can you repeat the question again?

19 Q. Have you had the opportunity to see your son,
20 C [REDACTED] J [REDACTED], interact or parent with your
21 granddaughter, H [REDACTED]?

22 A. Oh, yes; many, many times. I was in this
23 predicament myself a while back. C [REDACTED] is my oldest.
24 I got my kids taken away and I got them back. C [REDACTED]
25 was there for me. He was the big brother. He did

1 everything to help me with my kids. He's very good.
2 He's very patient with his daughter. She knows who he
3 is. He takes very good care of her. He has two kids. He
4 has two kids of his own at home that he takes care of.
5 He's a very good parent.

6 Q. You've seen C [REDACTED] with his two children?

7 A. I see him with his two kids all the time.

8 Q. Can you very briefly describe his parenting
9 style?

10 A. He's very patient. He's very patient with his
11 kids. He can be strict, too. He can be strict at times.
12 With the pandemic going on he hasn't been able to spend
13 as much time with H [REDACTED] as he likes to as far as I
14 know of. He came to me crying about him not being able
15 to see H [REDACTED] because he wasn't able to get in touch
16 with the social worker or they didn't show up for his
17 visitation.

18 If something was to happen to me right now right
19 today--I have a ten year old. If something were to
20 happen to me today and I had a choice for someone to
21 take care of my kids, and that choice was C [REDACTED] or
22 any other person, nine times out of ten I would pick
23 C [REDACTED] to take care of my child because I know he was
24 going to be there regardless.

25 MS. STRIGENZ: Thank you, Ms. W [REDACTED]. I

1 have no further questions. Thank you for being on the
2 phone today.

3 THE COURT: Thank you. Ms. Ward, would you
4 like to ask any questions?

5 MS. WARD: No, thank you.

6 THE COURT: Mr. Kreger?

7 MR. KREGER: No, Your Honor.

8 THE COURT: Mr. Lacera?

9 MR. LACERA: No, Your Honor.

10 THE COURT: Okay, thank you. Before you go,
11 I'm looking at a chat.

12 Mr. Lehto, it looks like your client would
13 like you to look at the chats. I don't know if you're
14 able to do that on your phone.

15 Mr. W██████████, can I let Ms. W██████████ go?
16 You don't need her, do you?

17 MR. W██████████: Just one second.

18 **(Pause in Proceedings)**

19 THE COURT: Ms. W██████████, thank you again
20 for everything that you--all of your patience today and
21 for your testimony. You're free to drop off.

22 MS. W██████████: Thank you.

23 **(Ms. W██████████ Exiting Hearing via Zoom)**

24 THE COURT: Mr. W██████████, you probably
25 noticed earlier that Mr. Lehto had said he can't really

1 ask questions of witnesses that don't pertain to your
2 case, which is what I had originally thought as well.
3 That's why he's not asking any questions.

4 MR. W██████████: Okay.

5 THE COURT: All right. Ms. Strigenz, other
6 than Mr. J██████████ do you have any additional witnesses?

7 MS. STRIGENZ: We do not, Judge.

8 THE COURT: I think this is probably a good
9 breaking point. It's four o'clock. I don't know that it
10 makes sense to start any of the parents' testimony at
11 this point. Is there anything else we need to address
12 before we adjourn?

13 MR. HOLZMAN: No, Your Honor.

14 MS. WARD: Judge, we're meeting here for
15 those two court dates, correct?

16 THE COURT: Oh, no. They will be in my
17 courtroom at the Courthouse. I don't know if everyone
18 knows, starting May 3rd they're opening a second
19 courtroom at the courthouse, and it will be my
20 courtroom, which is 1407. Our next two court dates will
21 not be here. They will be at the children's court,
22 courtroom 1407.

23 MS. WARD: Thank you.

24 MR. LEHTO: Will 43 still be in here?

25 THE COURT: This is for jury trials.

1 MR. LEHTO: Right. Oh, so jury trials will be
2 here, but the hearings we're having will be in your
3 courtroom?

4 THE COURT: Yeah. Non-jury trial, in-person
5 hearings are at the children's court, and instead of
6 having just one courtroom for everybody now we're going
7 to have two.

8 MR. LEHTO: Got it, thank you.

9 THE COURT: Thank you, everyone. I
10 appreciate your input. That concludes our hearing.

11 **(End of Proceedings)**

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STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)

I, Alycia G. Bein, Official Court Reporter for the State of Wisconsin, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully prepared by me with my computerized stenographic notes as taken by me in machine shorthand, and by computer--assisted transcription thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter to the best of my knowledge and ability.

Dated this 21st day of July, 2021.

Electronically Signed By:

/s/ Alycia G. Bein

ALYCIA G. BEIN, RPR
OFFICIAL COURT REPORTER

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FILED
09-08-2021
John Barrett
Clerk of Circuit Court
2019TP000225

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STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY
CHILDREN'S DIVISION, BRANCH 6

IN THE INTEREST OF:

C [REDACTED] M [REDACTED] Case No. 19TP000225
H [REDACTED] J [REDACTED] 19TP000064
M [REDACTED] W [REDACTED] 19TP000065

CHILDREN UNDER THE AGE OF 18.

DISPOSITION TRIAL

JUNE 3, 2021

Before the HONORABLE ELLEN BROSTROM
CIRCUIT COURT JUDGE PRESIDING

A P P E A R A N C E S

MR. CHARLES KREGER - Assistant District Attorney
On behalf of the State of Wisconsin.

MR. JULIAN LACERA - Guardian ad Litem
For the above-named children.

MS. SAMANTHA KOHNERT -Case Worker, DMCPS

MS. CHERYL WARD - Attorney at Law
On behalf of the Mother,
MS. B [REDACTED] M [REDACTED].

MR. DUKE LEHTO - Attorney at Law,
On behalf of the Father,
MR. C [REDACTED] W [REDACTED].

MR. HOLZMAN,
Attorney at Law
On behalf of the Father,
MR. J [REDACTED] C [REDACTED].

MS. DEBORAH STRIGENZ - Attorney at Law,
On behalf of the Father,
MR. C [REDACTED] J [REDACTED].

Linda KASPRZAK
Official Court Reporter

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INDEX

TNESSES

<u>Name</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
--------------------	----------------------	---------------------	------------------------	-----------------------

B [REDACTED] M [REDACTED]				
By Mr. Kregerv	12		56	
By Mr. Holzman	25			
By Mr. Lehto	32			
By Ms. Strigenz	46			
By Mr. Kreger		50		
By Mr. Lacera	53			
SAMANTHA KOHNERT				
By Mr. Holzman	63		77	
By Ms. Ward	66			
By Mr. Lehto	67			
By Ms. Strigenz	71			
By Mr. Kreger		76		
J [REDACTED] C [REDACTED]				
By Mr. Holzman	81			
By Ms. Ward	98			
C [REDACTED] W [REDACTED]				
By Mr. Lehto	102			

EXHIBITS

None

P R O C E E D I N G S

1
2 THE CLERK: Calling case numbers 19TP225,
3 19TP64, and 19TP65 in the interest of the M██████, J██████,
4 W██████ children. Appearances.

5 MR. KREGER: Charles Kreger appearing on
6 behalf of the State.

7 THE COURT: Case manager.

8 MS. KOHNERT: Samantha Kohnert.

9 THE COURT: Thank you.

10 Guardian ad litem.

11 THE COURT: Guardian ad litem.

12 MR. LACERA: Julian Lacera, guardian ad
13 litem.

14 THE COURT: Thank you.

15 Mr. Lehto.

16 MR. LEHTO: Duke Lehto appears for C██████
17 W██████.

18 THE COURT: Sir, Mr. W██████, your lawyer
19 just made his appearance, but his microphone is not
20 working so you probably could not hear him. We're going
21 to try to rectify that, but he is present.

22 Mr. Holzman.

23 MR. HOLZMAN: Attorney Michael Holzman on
24 behalf of the father of C██████ M██████, J██████ C██████.
25 I'm present, and he is present before this court.

1 THE COURT: Thank you. So I'm betting
2 Mr. W [REDACTED] could not hear you. Does that microphone --
3 it's not working either?

4 MR. HOLZMAN: Doesn't appear to be.

5 THE COURT: So when you tap it, it does make
6 a noise. Maybe try being a little closer.

7 MR. HOLZMAN: Michael Holzman on behalf of
8 the father C [REDACTED] M [REDACTED], J [REDACTED] C [REDACTED]. I am present
9 and so is Mr. C [REDACTED], Your Honor.

10 THE COURT: Thank you, Counsel.

11 Ms. Ward.

12 MS. WARD: Attorney Cheryl Ward on behalf of
13 B [REDACTED] M [REDACTED] who also appears.

14 THE COURT: So that was not amplified
15 either. Is your microphone not working?

16 MS. WARD: No.

17 THE COURT: Okay. Do you want to try the
18 other one.

19 MS. WARD: Sure. Attorney Cheryl Ward
20 appears on behalf of B [REDACTED] M [REDACTED] who also appears.

21 THE COURT: Thank you.

22 And Ms. Strigenz.

23 MS. STRIGENZ: Attorney Deborah Strigenz
24 appearing in person on behalf of C [REDACTED] J [REDACTED] who is
25 the father of H [REDACTED] J [REDACTED].

1 THE COURT: All right.

2 And we've also got an intern from your
3 office, Mr. Lacera. Could you put your name on the record

4 MR. LACERA: Yes. My intern's name is
5 Melissa Waton.

6 THE COURT: Thank you.

7 And Ms. Waton, I would have asked you,
8 but you don't have a microphone.

9 So Ms. Strigenz, I think you wanted to
10 make a record about your client's appearance. I wonder if
11 it might make sense for you just to get come over and
12 maybe borrow Mr. Lacera's microphone briefly while you're
13 doing that.

14 Wait. Let's go off the record.

15 (Off the record.)

16 THE COURT: Ms. Strigenz, you were going to
17 make a record about your client.

18 MS. STRIGENZ: Yes. Thank you, Judge. If I
19 could just address two quick issues that I feel are
20 interrelated, one, a feeling of why my client isn't
21 present. Judge, as the Court is very aware I'm sure,
22 there was a change of placement motion filed for H [REDACTED]
23 J [REDACTED]. I believe all parties have been aware of that.
24 And I also became aware of that.

25 The change of placement motion is

1 indicating that H [REDACTED], my client's daughter, is going
2 to be changed from the foster home where she presently is,
3 to that of a paternal aunt, which is my client's sister.
4 My client is absolutely in agreement with that.

5 I did have the opportunity to talk with
6 the social worker regarding that on Tuesday,
7 Ms. Kohnert indicated that the plan is for this to be a
8 long-term placement if granted by the Court. She wasn't
9 sure if it would involve guardianship or adoption.

10 Knowing that information after I talked
11 to the social worker, I did contact all parties including
12 Mr. Kreger, and I indicated that I thought this was
13 interesting and positive, was not sure how this would
14 affect the dispo hearing scheduled for today. If it was
15 going to be guardianship, there would be no need for a
16 termination of parental rights hearing dispo. If there's
17 going to be adoption -- and I talked to my client
18 subsequently since I wrote this memo -- he may want to do
19 a voluntary.

20 I said since the matter is already set
21 for a continued dispo hearing in September, specifically
22 September 20th, I thought it might make sense to hold off
23 the dispo hearing for H [REDACTED] today so we can all
24 determine what's in her best interest see what the heck is
25 going to happen. We already have the dispo date in

1 September, so that would give us time to see what happens
2 in regards to this change of placement, and how the State
3 might want to handle the guardianship, or adoption, et
4 cetera. Frankly, it was a little hard for me to be able
5 to legally represent my client when I don't know what's
6 going to happen. I did not hear a response from anybody
7 on that.

8 Somewhat related to that, I did get a
9 call today from my client. We discussed this. He
10 indicated he would not oppose a guardianship, and very
11 likely would do a voluntary termination. However, Judge,
12 he has a warrant for his arrest in Ozaukee County, Court
13 Case No. 21CT1262 a simple OAR. He is in the process of
14 taking care of that. He can't be here this morning. He
15 asked if he could appear by Zoom. I have his phone
16 number. I told him I would indicate that and be very up
17 front with the Court and all parties as to why he wasn't
18 here.

19 I just think knowing that and knowing
20 my request of the State as of Tuesday that was given to
21 all the parties about this change of placement, to put all
22 this information out to the Court.

23 THE COURT: Okay. Great. Thank you,
24 Ms. Strigenz for all that information.

25 Mr. Kreger, maybe I would get your

1 thoughts next.

2 MR. KREGGER: I mean, I would object to any
3 adjournment at this point. We don't have that much time
4 scheduled today. I don't think the case is going to
5 finish today at this point, so I think that there will be
6 time to see how that placement unfolds with H [REDACTED]
7 moving forward. I would note that Mr. J [REDACTED] also just
8 had his visitation ended by the visitation agency because
9 of inappropriate sexual behavior on his behalf towards the
10 supervisor worker there.

11 So the fact that he's not here today is
12 troubling to me. I don't think Zoom should be used to
13 allow somebody to evade a warrant. So I also have, I
14 guess, a problem with that. So I'm asking that we move
15 forward. He's not here today. I mean, this case has been
16 going on for a long time, as the Court is aware, and we
17 need to use every hour that we have I think.

18 MS. STRIGENZ: If I may respond, Judge?

19 THE COURT: Sure.

20 MS. STRIGENZ: It would have been
21 appreciated to have the courtesy of a response to my email
22 as of Tuesday. With that said, it's a little difficult to
23 lawyer on behalf of Mr. J [REDACTED], Judge, if I don't know
24 where the case is progressing. As I just indicated to the
25 Court, if there's going to be a guardianship -- which I

1 appreciate the amount of time the social worker gave me on
2 Tuesday -- we don't need to have this hearing.

3 If there's going to be an adoption, I
4 think my client would do a voluntary termination of his
5 parental rights. So I understand he's not here because of
6 his own problem, but I am here. And I am not sure what
7 we're doing on behalf of H██████████, nor does anyone else in
8 this courtroom.

9 THE COURT: I don't know, Ms. Ward, if you
10 have any position on these issues on behalf of your
11 client?

12 MS. WARD: We would not be opposed to an
13 adjournment. I think it's a question of whether or not
14 the State is going forward with termination with H██████████
15 or whether they would be willing to consider a transfer of
16 guardianship. That may change my client's position as to
17 that child. I don't know.

18 THE COURT: Okay.

19 I guess my preference would be just to
20 move forward this morning. I agree with Mr. Kreger we're
21 not going to finish this today. And everything that will
22 be admitted today is going to be from the State's
23 perspective. If Mr. J██████████ has input he wants to provide
24 at subsequent hearings, Ms. Strigenz is here to hear that
25 testimony.

1 Now, there could be an argument about
2 default, but I'm not addressing that either way. I'm just
3 saying that I don't think there's any prejudice to
4 Mr. J██████'s position, and frankly, to the extent there
5 is, you know, he's not showing up to -- basically to evade
6 a warrant. Which I understand from his perspective. On
7 the other hand, I'm not really interested in cooperating
8 with him on that.

9 And the court ultimately is going to
10 have to make a decision about what's in H██████'s best
11 interest, and the State, I'm sure, will continue to
12 re-evaluate. But these cases are very old. I don't want
13 to waste the time to not begin testimony this morning.

14 So at this point, I think that
15 Mr. J██████ is in default for not showing up. I have not
16 granted him permission to appear by Zoom. Mr. W██████
17 has that benefit because he's in custody. But we'll see
18 what comes in today, and as noted, we have future court
19 dates, and, you know, we'll see how things evolve with
20 that new placement.

21 It sounds like no one is objecting to
22 the placement, so I'll go ahead and sign that order, and
23 we'll just see how things evolve.

24 MS. STRIGENZ: So are you issuing a default
25 on my client or are you taking it under advisement, Judge.

1 THE COURT: I'm finding him in default
2 today. Yeah, he's got to show up. But I would not-- You
3 still have the right to participate on his behalf and
4 we'll see how things evolve. And, you know, let's leave
5 it at that. It's without prejudice going forward
6 depending on how things evolve.

7 MS. Strigenz: Thank you.

8 THE COURT: Okay. With that then,
9 Mr. Kreger, I'm assuming you're going to want to call your
10 first witness, and would that be Ms. Kohnert?

11 MR. KREGER: Your Honor, I believe that I
12 -- I'm trying to remember exactly where we were when we
13 left off, and I thought I had already rested.

14 THE COURT: Oh, okay. Well, that shows you
15 good my memory is.

16 So then, Ms. Ward, I think we had
17 decided that you were next in line in terms of order of
18 proof, right?

19 MS. WARD: I believe so.

20 THE COURT: Okay. And would you like to
21 call a witness.

22 MS. WARD: I would call Ms. M██████.

23 THE COURT: Ms. M██████, the witness stand is
24 all the way up that ramp on the side of court reporter
25 there.

1 Deputy, you need to make sure that mic
2 is up and running.

3 And please remain standing and raise
4 your right hand.

5
6 B-██████████ M-██████████, called as a witness
7 herein on her own behalf, having been first duly sworn,
8 was examined and testified as follows:

9 THE WITNESS: I do.

10 THE COURT: Thanks. Have a seat. And if
11 you could go ahead and state and spell your name for the
12 record.

13 THE WITNESS: B-██████████ M-██████████,
14 B-██████████ M-██████████.

15 THE COURT: Thank you.

16 Go ahead, Ms. Ward.

17 MS. WARD: Thank you.

18 DIRECT EXAMINATION

19 BY MS. WARD:

20 Q Ms. M-██████████, C-██████████ is your oldest child, correct?

21 A Yes.

22 Q And she lived with you for a little bit over six
23 years?

24 A Correct. Well, not fully but, yes.

25 Q So from birth to about 6 years old?

1 A With a year without her, yes.

2 Q And then she went to go live with grandmother?

3 A Yes.

4 Q And H [REDACTED] lived with you about five years?

5 A Correct.

6 Q And then she moved to a family member also?

7 A Correct.

8 Q And then with S [REDACTED]s?

9 A Yes.

10 Q And then with another foster home?

11 A Correct.

12 Q And now it's currently the plan to have her live with
13 K [REDACTED] J [REDACTED]; is that correct?

14 A Yes.

15 Q And then M [REDACTED] lived with you about four months?

16 A Correct.

17 Q Could you describe -- give us a little bit of
18 describing C [REDACTED] as a child?

19 A Who C [REDACTED]? C [REDACTED] probably I always say
20 she's like my most easy child, I guess. She grew up
21 really quick. She starting walking at 11 months. She
22 started using the bathroom about a year. She's always
23 been fast in development. She's a sweetheart, and
24 she's a good child all around.

25 Q What about H [REDACTED]?

1 A H██████████, same thing, didn't have too many struggles
2 raising her as a kid. Listened, healthy child.

3 Q And what about M██████████?

4 A Same thing.

5 Q And you have two other children, correct?

6 A Correct.

7 Q And could you describe F██████████ and A██████████?

8 A I would not be able to describe F██████████ because he
9 wasn't living with me.

10 Q What about regarding your visits?

11 A Visits, he's fine. Just a quite child. He stays in
12 his own world pretty good.

13 Q And what about A██████████?

14 A Happy, laughing kid. Wants to walk all the time now.

15 Q And you feel you have a substantial relationship with
16 C██████████?

17 A I do.

18 Q And why do you say that?

19 A She been with me since she was 6. Even when she
20 wasn't with me, we kept close. I've talked to her
21 weekly. I video-chat with her weekly. I check on
22 her. She tells me everything that's going on with
23 school. She tells me everything going on with her
24 friends, when she's at grandma's house. She tells me
25 about the times she's with her dad. The relationship

1 we have is a mother/daughter relationship.

2 Q And has C [REDACTED] expressed that she wants to live
3 with you?

4 A She has.

5 Q When does she do that?

6 A Quite often. Almost every other visit.

7 Q And what does she say?

8 A She'll either say she wants to come home to me or
9 wants to come home to her dad.

10 Q And what about C [REDACTED]'s relationship with any
11 other family members? It sound like she has a close
12 relationship with her grandmother. Could you describe
13 that?

14 A Yes. She sees her grandmother at least once a month.
15 They're very close. She adores her grandma, speaks
16 highly of her grandma, and gets excited every time she
17 gets to go over there. And her aunts and her cousins,
18 she's got a big family that she does a lot of events
19 with, does a lot of activities with. So she's very
20 close to her other family members.

21 Q Now, C [REDACTED] and H [REDACTED] were placed together, but
22 they are no longer placed together, correct?

23 A Yes.

24 Q Do you think that that's affecting C [REDACTED]?

25 A Yes.

1 Q How?

2 A She talks about how much she misses H██████████, how she
3 doesn't get to see her. The reason that C██████████
4 got removed from her grandma was because of her
5 missing H██████████, and we wanted both H██████████ and
6 C██████████ to be together. And now that they're not
7 together, we're back at square one.

8 Q Do you feel that you have a substantial relationship
9 with H██████████?

10 A I do.

11 Q And why do you feel that way?

12 A Same thing. We tell each other we love each other.
13 We talk to each other. We -- I'm there when she is
14 sad, you know, she talks to me when she's sad. She
15 opens up to me more than anyone else. She's
16 comfortable with me, and feels protected with me.

17 Q Does H██████████ say she wants to live with you?

18 A At times, yes.

19 Q And how often is that?

20 A As often as she says she wants to live with everybody
21 else as well.

22 Q Has H██████████ expressed she wants to be with family
23 members?

24 A She has.

25 Q And the plan is to move H██████████ to K██████████ J██████████,

1 correct?

2 A Correct.

3 Q How do you feel about that?

4 A I'm okay with it.

5 Q Has Ms. J [REDACTED] been somebody that you have throughout
6 this entire case asked that H [REDACTED] be moved to?

7 A Yes.

8 Q Have you asked the other girls be moved to her also?

9 A Yes.

10 Q Is it your understanding that Ms. J [REDACTED] could have
11 all three girls in her home?

12 A Yes, as long as she was to get her foster license.

13 Q Now, how has H [REDACTED] reacted based on the fact she's
14 no longer in the same home as C [REDACTED]?

15 A I guess I can't really say, honestly. When it comes
16 to H [REDACTED], it can get really confusing. She can
17 tell you she wants one thing, but then change her mind
18 five minutes later. So I can't really give an answer
19 to that.

20 Q But she's talked about family, correct?

21 A Right.

22 Q And that has been a big thing for her. She gets upset
23 because she's not with family?

24 A Correct.

25 Q What about M [REDACTED]. Do you have a substantial

1 relationship with her?

2 A I got-- Yeah, I would say I got a relationship with
3 M██████.

4 Q Why do you say that?

5 A At first M██████ had struggled with being open with
6 people and letting people hold her and had some issues
7 with seeing people that she wasn't familiar with and
8 crying and stuff. Now that she's a little bit older
9 and knows who I am, she calls me mom. She tells me
10 she loves me. She tells me she misses me. I guess I
11 have as close of a relationship as I can with a 3
12 year-old.

13 Q Does-- She's not old enough to express kind of where
14 she wants to be, correct?

15 A Correct.

16 Q She's not really made that statement?

17 A Right.

18 Q Do you currently have a job?

19 A Yes.

20 Q And where do you work?

21 A Fresh (indiscernible) Poke.

22 THE REPORTER: I'm sorry, Fresh what?

23 THE WITNESS: FreshFin Poke.

24 THE REPORTER: P-o-k-e?

25 THE WITNESS: Yes.

1 BY MS. WARD:

2 Q And do you currently have a residence?

3 A I do.

4 Q And there had been a fire this year in a different
5 residence you had; is that correct?

6 A Correct.

7 Q That kind of put you a little behind, but you've been
8 able to find a residence now?

9 A Yes.

10 Q How many bedrooms does that residence have?

11 A It has two.

12 Q Could the girls come back and live with you at that
13 residence?

14 A Yes.

15 Q And what would be the sleeping arrangement for the
16 girls?

17 A I would have a bunk bed for H [REDACTED] and C [REDACTED]
18 and then just a normal toddler bed for M [REDACTED].

19 Q And do you live with anybody at that residence?

20 A I do.

21 Q Who do you live with?

22 A A friend.

23 Q Ultimately you would like all the girls to come back
24 and live with you; is that correct?

25 A Correct.

1 Q Why do you want that to happen?

2 A Because I feel like my kids should be with their mom
3 or a parent at least, and they should be all together.

4 Q In the past there has been some concerns about your
5 mental health. What are you doing at this point to
6 address your mental health issues?

7 A Right now I am trying to find another therapist
8 because my most recent therapist is still out of work
9 due to health problems. So right now I'm not
10 currently doing anything. I've been talking to a
11 friends and family when I've been going through rough
12 things, and that's been helping so.

13 Q So you're using more support system that you have?

14 A Correct.

15 Q Also in the past there's been some issues with drug
16 use. What have you done to address that?

17 A Stopped. That's about it.

18 Q And what has changed from the past to make you stop
19 now?

20 A I just want better for myself.

21 Q If the girls could not be placed with you, where would
22 you want them placed?

23 A Family.

24 Q And the girls have two brothers, correct?

25 A Correct.

1 Q And at this point those -- their two brothers are
2 still at a point that they are not, your rights
3 haven't been terminated, correct?

4 A Correct.

5 Q So you're still working on having their brothers
6 returned to you or to their father, correct?

7 A Correct.

8 Q Their father is not involved, in the fact that he's
9 not here in the courtroom. He's not a father of any
10 of the girls?

11 A Correct.

12 Q And those-- The two brothers are with the S ██████s
13 right now; is that correct to say?

14 A Yes.

15 Q That's where C ██████ and M ██████ are?

16 A Yes.

17 Q But your hope is that they can return home to you or
18 the father?

19 A Yes.

20 Q Do you have some concerns with H ██████'s behaviors?

21 A Honestly a little bit, but not so much as everybody
22 else does.

23 Q Why do you say that?

24 A I feel like H ██████'s behavior has a lot to do with
25 attention and wanting -- just wanting attention from

1 people. I feel she does a lot of her behavior because
2 there's other kids involved. And when she doesn't
3 feel like she's being noticed, she likes to act out.
4 When someone's story is better than hers, she likes to
5 lie a little bit or make something seem -- or say
6 something happened when it really didn't just so that
7 the eyes can be turned on her.

8 Q She was with the S [REDACTED]s for quite some time, and
9 then they decided they couldn't handle her behaviors?

10 A Correct.

11 Q And then she was with the foster home for not that
12 long, the next foster home, for a couple of months,
13 and they decided they couldn't something her behaviors
14 either?

15 A Correct.

16 Q You think K [REDACTED] will be different; is that correct to
17 say?

18 A I definitely do.

19 Q And why?

20 A For one, that's family. For two, don't know how to
21 put it, but H [REDACTED], not only is it family, but it's
22 an African-American family. She stays connected to
23 her roots, her culture. That's several reasons why
24 it's better for her to be with family.

25 Q Is it your hope that her behaviors get better because

1 of the fact that she is with family?

2 A Well, her behavior has done better since she's been
3 with K██████, she's tried to act out, and, you know, I
4 guess K██████'s way of parenting is lot more better
5 than what H██████ was used to or what H██████ needed
6 more, and we haven't seen any that have behavior since
7 she moved with K██████ or the times that she goes over
8 to K██████'s.

9 Q Does K██████ have other children?

10 A Yes.

11 Q And one of her other children had some behavioral
12 issues or some issues like H██████?

13 A Yeah.

14 Q So she kind of has a background or an understanding of
15 those types of behaviors?

16 A Yes.

17 Q If the kids aren't all together, do you think that
18 would be harmful to them?

19 A Yes.

20 Q Why?

21 A For the simply fact that I feel the kids should all be
22 raised together. Being in separate homes is not
23 great. It can be a lot of trauma to the kids. Also
24 for the simple fact that if I am to get the boys back,
25 which I'm on track for me to get the boys back, and

1 H [REDACTED] gets placed with family and then it just
2 leaves C [REDACTED] and M [REDACTED] with a foster home.
3 These foster parents in the State of Wisconsin are
4 closed adoption.

5 These foster parents do not have to
6 keep in contact with me if they do not want to. They
7 do not have to keep in contact with any family members
8 if they do not want to. Just because they say they it
9 does not mean they are going to. For that simple
10 fact, just not knowing if we would still be able to be
11 in contact with everybody would be a bad thing. Even
12 if the kids were just separated.

13 Q And you feel that if the girls couldn't see each other
14 any more, that would really affect them?

15 A Correct.

16 Q And why do you feel that way?

17 A They're sisters. They grew up with each other. They
18 know each other as sisters. They have a bond, an
19 unbreakable bond. They are sad when they are not with
20 each other.

21 MS. WARD: I don't have any other questions.

22 THE COURT: Thank you.

23 Let's see, do we actually-- We don't--
24 Do any of the-- Mr. Holzman-- I'm having trouble
25 speaking today. Do we want to do all parents and then the

1 State? Does that make sense? And then the guardian ad
2 litem?

3 MR. KREGER: I think that makes sense.

4 THE COURT: Okay.

5 Mr. Holzman, do you want to ask
6 Ms. M [REDACTED] any questions?

7 MR. HOLZMAN: Sure. If I move to too far
8 away, please stop me, Your Honor.

9 THE COURT: Okay.

10 EXAMINATION

11 BY MR. HOLZMAN:

12 Q Ms. M [REDACTED], I represent Mr. C [REDACTED], C [REDACTED]'s
13 father. Have you been able to see any interaction
14 during the visits you've had either by telephone or
15 video between Mr. C [REDACTED] and C [REDACTED]?

16 A Yes.

17 Q Can you describe what you've seen?

18 A They're always laughing, cracking jokes. I call
19 J [REDACTED] C [REDACTED] every visit to talk to his daughter, and
20 she's always excited. She's always asking me, is it
21 my turn to talk to dad? Can I call him? Is he busy?
22 They have a great relationship. She knows who her dad
23 is, and that's her hero.

24 Q Would you say that based on your observations she
25 loves her dad?

1 A Yes.

2 Q Would you say based on your observations that she's
3 very closely bonded with her dad?

4 A Yes.

5 Q Are you aware of whether or not Mr. C [REDACTED] has any
6 other contact with C [REDACTED] other than during your
7 visits?

8 A Yes. When she goes over to her grandma's house, he
9 typically sees her.

10 Q Now, grandma is that L [REDACTED] R [REDACTED]?

11 A Yes.

12 Q And C [REDACTED] was with Ms. R [REDACTED], she's the
13 paternal grandmother of C [REDACTED], correct?

14 A Correct.

15 Q And you mentioned there was a year in there when
16 C [REDACTED] was not with you?

17 A Correct.

18 Q Was that when she was younger?

19 A Yes.

20 Q And with Ms. R [REDACTED]?

21 A Yes.

22 Q What age was that?

23 A That was back in 2000 -- hold on one second.

24 Q How old would she have been, a baby?

25 A Yes. She would have been like 2 or 3.

1 Q And so she stayed with Ms. R [REDACTED] for about a year
2 when she was 2 or 3?

3 A Correct.

4 Q And then later, on when C [REDACTED] was removed from
5 your custody, did she go to Ms. R [REDACTED]? She stayed
6 with Ms. R [REDACTED] for a while, didn't she?

7 A She stayed with her for a year, yes.

8 Q After -- and then she was moved from there to the
9 S [REDACTED]s (sic)?

10 A Yes.

11 Q Okay. So would it be safe to say -- correct me if I'm
12 wrong -- that there were two times for at least a year
13 that she's been with Ms. R [REDACTED], the grandmother of
14 C [REDACTED]?

15 A Correct.

16 Q And that would be -- I'm going to get my grandmother
17 and grandfather confused -- but that would be the
18 mother of Mr. C [REDACTED]?

19 A Correct.

20 Q Okay. Can you describe the relationship between
21 Ms. L [REDACTED] R [REDACTED] and C [REDACTED]?

22 A It's a wonderful relationship. It's a very loving,
23 very healthy relationship. You know, she knows that's
24 her grandma. She wants to see her all the time. She
25 want to spend time with her all the time. It's a

1 pretty great relationship they have.

2 Q Now, based on your observations, do you believe it
3 would be harmful for C ██████████ to never see her
4 father again?

5 A Yes.

6 Q Based on your observations, do you think it would be
7 harmful for C ██████████ to never see her grandmother,
8 L ██████████ R ██████████ again?

9 A Most definitely.

10 Q And you mentioned that they have visits at grandma's
11 with grandmother at least once a month?

12 A Yes.

13 Q Have you ever been at one of those visits or have any
14 knowledge of those visits?

15 A I have.

16 Q You have?

17 A Yep.

18 Q How do those go?

19 A They go pretty well. We'll watch movies or something
20 like that. Earlier in this case, I used to go over
21 there when she was living with Ms. R ██████████. Since
22 she's moved out of there, I have not been over there.
23 But I could go over that there if I wanted to.

24 Q Do you know C ██████████'s, I think it's a
25 great-grandmother Ms. V ██████████ R ██████████?

1 A Correct.

2 Q Okay. Have you ever talked to her or seen her with
3 C [REDACTED]?

4 A I have-- We've had discussions about C [REDACTED]. I
5 have not seen her with C [REDACTED].

6 Q What kind of discussions have you had about C [REDACTED]
7 with Ms. R [REDACTED]?

8 A Just how's she's doing when she's over at L [REDACTED]'s
9 (phonetic) house, and what we want to do with this
10 case. How we think what we would be better for
11 C [REDACTED] or what's best for C [REDACTED].

12 Q I don't mean to interrupt. Has Ms. R [REDACTED] expressed
13 to you interest in having C [REDACTED] live with her?

14 A Yes, and all the kids.

15 Q And all the kids?

16 A Yes.

17 Q Okay. Have you observed Ms. R [REDACTED]'s home and
18 ability and come to a conclusion about ability to take
19 care of the children?

20 A Yeah, I definitely think she can. I have seen her
21 take in plenty of kids when I was with C [REDACTED]'s
22 dad. I have seen her have people live with her and
23 taking care of those people. So I do believe she
24 would be great.

25 Q And she was a foster parent at one time?

1 A She was a foster parent a long time ago, but even
2 after foster parents, she had kids living with her.

3 Q Okay. Has there ever been, to your knowledge, any
4 children's court problems taking care of those
5 children?

6 A No.

7 Q And based on your knowledge, does she have a
8 reasonable home to live in?

9 A Most definitely.

10 Q Can you describe, if you can recall, what it is like,
11 how many bedrooms, if you know?

12 A I believe it's a three bedroom, upstairs, downstairs,
13 there's a basement, two bathrooms. Pretty big, decent
14 house.

15 Q So more than enough room to take care of all the
16 children, not only C [REDACTED]?

17 A Correct.

18 Q Prior to when C [REDACTED] was first younger, did
19 Mr. C [REDACTED] ever take care of C [REDACTED] for summer or
20 any length of time?

21 A Before this case?

22 Q Yes.

23 A Yes. I would call and he would come pick her up and
24 spend time with her. Yes.

25 Q You mentioned the aunts. What aunts were those that

1 C [REDACTED] seems to be bonded with?

2 A There's an aunt named C [REDACTED] (phonetic), there's
3 an aunt named D [REDACTED], and an aunt named, oh my gosh,
4 N [REDACTED] (phonetic) I think it is.

5 Q Are they on the paternal side?

6 A Yes.

7 Q What relationship or what contact do they have with
8 C [REDACTED]?

9 A They are in contact with her as often as she goes over
10 to grandma's house. They see her every time.

11 Q When you see C [REDACTED] with Mr. C [REDACTED], what does she
12 call him?

13 A Dad.

14 Q When you see C [REDACTED] with his mother, Ms. R [REDACTED],
15 not V [REDACTED], L [REDACTED], what does she call her?

16 A It's a nickname, but I can't remember the nickname,
17 because she doesn't like her calling her grandma, but
18 yeah.

19 Q Okay. Have you ever heard her what she calls V [REDACTED]
20 R [REDACTED]?

21 A No.

22 Q When the aunts are over, do they -- what kind of
23 activities do they have with C [REDACTED]?

24 A The activities that C [REDACTED] gets to indulge in is
25 so many different activities. I couldn't even name

1 one. She's probably been able to do way more in her
2 childhood than I was able to do in my 30 years of
3 life. She gets to do activities every time she's
4 there.

5 Q Has C [REDACTED] ever commented to you about whether or
6 not she wants to be adopted by the S [REDACTED]s?

7 A She does not want to live with them.

8 Q And who has she said she wants to live with?

9 A Me, her dad, or her grandma.

10 MR. HOLZMAN: All right. That's all I have.
11 Thank you so much.

12 THE COURT: Thank you.

13 Mr. Lehto.

14 MR. LEHTO: I'm going to need a mic.

15 THE COURT: Yeah, you just need
16 Mr. Lacera's.

17 EXAMINATION

18 BY MR. LEHTO:

19 Q Okay. Ms. M [REDACTED], now how old is M [REDACTED]?

20 A Three.

21 Q Where did she initially live?

22 A Like with who or--

23 Q Yes.

24 A With me and her father.

25 Q With you and who?

1 A Her father.

2 Q Her father. Okay. How long did that take place?

3 A That was up until she was removed.

4 Q Well, how many months?

5 A About four months.

6 Q How many?

7 A Four months.

8 Q Four months. Okay. I'm just having a little trouble
9 hearing through the Plexiglas, there's like a little
10 echo. So sorry if I have to ask you to repeat. And
11 then where after removal, where did M■■■■ live?

12 A With her Aunt T■■■■.

13 Q Okay. And so that was a maternal -- a paternal aunt,
14 correct?

15 A Correct.

16 Q And there were other paternal relatives that were
17 involved with M■■■■ from the time she was born until
18 the time she was removed from T■■■■ M■■■■; is that
19 correct?

20 A Correct.

21 Q Okay. And, again, when was M■■■■ born?

22 A She was born October 30th, 2000 and 18, 18, yeah.

23 Q Okay. And she was removed in -- I won't ask the exact
24 date -- but would August of 2019 sound correct she was
25 removed from T■■■■ M■■■■?

1 A Yes.

2 Q Okay. And I think it was in April of 2018 she was
3 removed from the parents, correct?

4 A Correct.

5 Q Okay.

6 Q Now, in that, about the ten months that M■■■■ lived
7 with you or Ms. M■■■■, those paternal relatives were
8 also involved in their lives, correct?

9 A Correct.

10 Q Do you recall some of their names?

11 A T■■■■, E■■■■, C■■■■'s mom, and we had A■■■■,
12 T■■■■. Those are some of the names.

13 Q Okay. And E■■■■ L■■■■ was the name, correct?

14 A Correct.

15 Q And then there was B■■■■ M■■■■, was she involved in
16 that period of time?

17 A From what I know, yes. I didn't witness it, but from
18 what I'm told, yes.

19 Q Okay. And do you feel that M■■■■ had a close
20 relationship, first with T■■■■?

21 A Honestly, no.

22 Q Okay. Now, again, these relatives have been involved
23 for ten months, and did -- do you recall any of them
24 having a close relationship with M■■■■?

25 A Well, as in close relationship, I would say, yes,

1 T██████ M██████ would be close to her. Having a bond
2 and, like, a connection and having her understand who
3 she is as a person, no.

4 Q Okay.

5 A But, yes, they were close, because she took care of
6 her. Yes.

7 Q As this case-- Now, I've heard testimony that, for
8 example, with Mr. C██████ and his family, it seems like
9 there's been an ongoing close relationship with that
10 child and Mr. C██████' relatives; is that right?

11 A Correct.

12 Q Okay. And you're aware that Mr. W██████' relatives
13 have repeatedly asked for placement of M██████?

14 A Correct.

15 Q Okay. And so let's just pause there for a moment. I
16 just want to look at what's going to potentially
17 happen to all the children. Okay. H██████ is going
18 to be placed with an aunt; is that correct?

19 A Correct.

20 Q Okay. So that's going to separate her from the rest
21 of the siblings?

22 A Yes.

23 Q The two boys, what are their ages?

24 A Two and one.

25 Q Two and one?

1 A Yes.

2 Q And your testimony is you feel they're on a path to
3 return home?

4 A Correct.

5 Q So they're going to be separated from the other three
6 siblings, correct?

7 A Correct.

8 Q C [REDACTED], that's Mr. C [REDACTED]' child; is that correct?

9 A Correct.

10 Q And you are you've testified that L [REDACTED] R [REDACTED]
11 could potentially take C [REDACTED], correct?

12 A Her or V [REDACTED] R [REDACTED], correct.

13 Q Okay. Or the aunt that had been mentioned earlier for
14 H [REDACTED] could take placement, correct?

15 A Correct.

16 Q And she just needs to get a foster license?

17 A Correct.

18 Q Now, what's your source of information for that?

19 A It was between, a discussion between K [REDACTED] and the
20 past caseworker. They were on track of getting their
21 foster license. They had done the classes and
22 everything and then things just stopped out of
23 nowhere.

24 Q Okay. She testified the last time around?

25 A Correct.

1 Q Then with M■■■■■, there's a potential she could be
2 separated from the other two girls; is that right?

3 A Correct.

4 Q And your reference though would be all three of them
5 together?

6 A Correct.

7 Q Okay. You have not, even though there's been
8 Mr. W■■■■■ relatives filing changes of placement
9 motions in this case, you have not been in favor of
10 that; is that correct?

11 A Correct.

12 Q And actually one of them, I think, B■■■■■ M■■■■■ was
13 formally a licensed foster parent, you're aware of
14 that?

15 A Correct.

16 Q Okay. But your testimony is that you'd prefer the
17 children to be with family?

18 A Correct.

19 Q Okay. I guess it just depends on which family, am I
20 right about that? You're not in favor of
21 Mr. W■■■■■' family?

22 A No, I'm not in favor of Mr. W■■■■■' family, unless
23 that relationship between his family and I could
24 change. Which could happen, which could not, but we
25 don't know.

1 Q Okay. All right. You heard testimony, I think, from
2 T██████ M██████ last time that she brought a bicycle
3 over for M██████ fairly recently, I think shortly
4 before our last hearing, correct?

5 A Correct.

6 Q Okay. Are you in favor of encouraging though more
7 family relationships on Mr. W██████' side with
8 M██████?

9 A Oh, most definitely.

10 Q Certainly?

11 A Yes.

12 Q Okay. Now, the foster parents the S██████s are
13 fairly open to communication with you?

14 A Not so much anymore, no.

15 Q Okay. But had they been?

16 A They used to be, yes.

17 Q And are you able to video chat though with the
18 children?

19 A Yes.

20 Q Okay. So they do allow that, correct?

21 A Yes.

22 Q Okay. And you also understand that Mr. W██████, he
23 has, I believe, visitation and contact with M██████?

24 A Correct.

25 Q And that-- Do you believe it's important that all of

1 your children maintain relationships with family
2 members on the paternal sides?

3 A Yes.

4 Q Okay. Couple other -- well, there might be a few more
5 questions. I just want to ask you, you testified
6 something about mental health and you're trying to
7 find another therapist?

8 A Yes.

9 Q That's because of current therapist is sick?

10 A Yes.

11 Q How long has that be going on?

12 A Well, she gave me the heads-up that she was out of
13 work in February of this year, although we did keep
14 contact and we were kind of like, she was asking how
15 my day had been going, and if I'm doing all right? I
16 tell, yeah, kind of had a rough day. She would just
17 tell me, hey, you got this. And then she was trying
18 to set me up with people at her business to talk to
19 someone there, but I couldn't find anybody there. So
20 without talking to her, it's probably been a month
21 since I last talked to her.

22 Q Okay. So what has the agency done to help you find a
23 therapist?

24 A She was looking for different agencies. She did, I
25 think, message me a couple days ago about referring me

1 to PSG, because I had certain wants of a therapist.

2 So that was the hardest thing trying to find a

3 therapist that matched what I wanted.

4 Q Okay. Would it be fair to say since February, you
5 really haven't been in therapy?

6 A Correct.

7 Q Okay. And the agency has been aware of that the whole
8 time?

9 A Yes.

10 Q And you also have an open case with those two boys,
11 correct?

12 A Correct.

13 Q Okay. Then I know you mentioned the closed adoption,
14 and that's a concern for you that-- Well, let me step
15 back and state this. You've been told by the
16 S██████████s that if they adopt any one of your
17 children, that you would be able to maintain a
18 relationship with the child in the future?

19 A That is what I was told in the beginning of this case,
20 yes.

21 Q Okay. And you're correct the law doesn't mandate an
22 adoptive parent to maintain that relationship. And
23 you feel it's important that that could occur, am I
24 correct?

25 A That keeping a relationship with the parents? Yes.

1 Q Yes. And I think based on your testimony, especially,
2 I mean, unfortunately maybe not for Mr. W■■■■■■'■■■■
3 relatives, but certainly for some of the other
4 relatives, you believe that's very important that the
5 girls can maintain those relationships, correct?

6 A Yes.

7 Q All right. Does M■■■■■■ have any relationship with
8 some of the other relatives through sibling visits? I
9 mean--

10 A No.

11 Q No?

12 A No.

13 Q Okay.

14 A Like, the visits are all together, the kids are all
15 together. So they never have to see other siblings.

16 Q Okay. All right. Just a couple more questions, and
17 then I may be with -- unfortunately I can't
18 communicate with Mr. W■■■■■■, Your Honor, that maybe
19 before we start in the afternoon I could have a Zoom
20 chat room with him.

21 THE COURT: Sure. We could do that right
22 now and just conclude the hearing.

23 MR. LEHTO: Okay.

24 THE COURT: And have everybody step out of
25 courtroom.

1 MR. LEHTO: Yes, I see this is perfect
2 timing for that.

3 THE COURT: All right.

4 So, Ma'am, you can step down. We will
5 all resume at 1:30.

6 Mr. W██████████, I'm going to make a
7 breakout room for you and Mr. Lehto.

8 And ma'am clerk and-- Actually it's not
9 going to be a breakout room because you're not on Zoom,
10 Mr. Lehto.

11 MR. LEHTO: But If I'm given the
12 information, I can Zoom in.

13 THE COURT: Oh, okay. Yes. We'll do it
14 that way. The Deputy and Ma'am Clerk can step out for you
15 to have a privacy.

16 Everyone else, we'll see you at 1:30.

17 MR. HOLZMAN: Can we leave everything on the
18 desk?

19 THE COURT: Sure.

20 (Noon recess taken at 11:59 a.m.)

21 THE COURT: All right. Let's go back on
22 record. The record should reflect everybody who was here
23 this morning has been re-assembled including Mr. W██████████
24 who is appearing by Zoom. At the end of the morning,
25 Mr. Lehto and Mr. W██████████ had the opportunity for a

1 breakout room hearing. Everybody left the courtroom so
2 they could have that meeting in confidence.

3 And Mr. Lehto has also just logged into
4 the Zoom hearing. So Mr. W██████████, you guys can send each
5 other chats privately through the Zoom feature if you want
6 to during the hearing.

7 MR. W██████████: (Nods head.)

8 THE COURT: All right. Any other
9 housekeeping matters before we resume?

10 MR. HOLZMAN: No, Your Honor.

11 THE COURT: Ms. M██████████, you can come on back
12 up to the stand. And you can just have a seat directly.
13 And because we have the same court report, I don't need to
14 re-administer the oath. I just remind you that the oath
15 you took this morning to tell the truth remains in effect.

16 THE WITNESS: Okay.

17 THE COURT: And, Mr. Lehto, did you have any
18 additional questions you wanted to ask.

19 MR. LEHTO: Yes. Thank you for the
20 opportunity to breakout.

21 THE COURT: Slide that mic over.

22 MR. LEHTO: Yes.

23 CONTINUED EXAMINATION

24 BY MR. LEHTO:

25 Q Okay. So Ms. M██████████, just want to go back to when

1 M█████ was placed with T█████. Isn't it true that
2 during that period you were able to actually go over
3 and visit at that house?

4 A Correct.

5 Q Okay. And she also allowed to you call and face time
6 M█████, correct?

7 A Correct.

8 Q Okay. And I know you described the relationship not
9 in really in favorable terms, but it seems it was
10 favorable at that point in time right, am I right?

11 A It was favorable for I want to say about two months,
12 and then the relationship just stopped being great.

13 Q Okay. And that's carried through with the whole
14 family?

15 A Pretty much, yes.

16 Q Okay. Now, are you-- I think I asked you some of
17 this, I'm just maybe going to ask it again a little
18 different way. Are you willing to have contact with
19 Mr. W█████' family in the future regarding M█████?

20 A Of course.

21 Q Okay. And what do you think or would you recommend,
22 you know, whatever words you want to choose, to start
23 that communication up or get lines of communication
24 going?

25 A On my end, I have no issue. I never had an issue with

1 the family. It was more the family had an issue with
2 me. So I cut off ties because I wasn't feeling that
3 safe. So that would be the only reason. There's
4 nothing I have to do on my end to keep communication.
5 Because regardless of what I go through with that
6 family, I would never keep the kids away from the
7 family.

8 Q Okay. We don't need to come up with an idea right
9 now, but you are saying you're open to keeping
10 Mr. W██████████' family in the loop with you?

11 A Yep.

12 Q Okay. Because I think what I'm hearing from you is
13 obviously, you don't want any of your children to be
14 terminated, correct?

15 A Correct.

16 Q And you want them all to be part of a family, am I
17 right?

18 A Yes.

19 Q Mr. W██████████ had filed or promoted relatives for
20 placement. Do you recall that some of the reasons the
21 Agency had for denying that was because -- or not
22 supporting that was because the Agency wanted to keep
23 the children together?

24 A That was part of reason, yes.

25 Q Okay. And right now, am I correct, we're starting to

1 see that the children are not being kept together?

2 A Correct.

3 Q And the agency is actually promoting that, am I right?

4 A Yes.

5 Q Okay. So if as an alternative to a termination -- I
6 understand you want to keep the children together --
7 but would you rather see family placements where maybe
8 guardianship could be worked out individually for each
9 child?

10 A Yes. If the kids cannot be placed with me, I would
11 rather them placed with family and guardianship rather
12 than adoption.

13 Q Even if the only alternative is splitting them up to
14 different family members, you're in favor of that?

15 A As long as it's family, yes.

16 Q Okay.

17 MR. LEHTO: I have no further questions.

18 Thank you.

19 THE COURT: All right. Very Good.

20 Ms. Strigenz, would you like to ask her any questions?

21 MS. STRIGENZ: Very briefly, Judge.

22 EXAMINATION

23 BY MS. STRIGENZ:

24 Q Ms. M██████, you are, of course, the mother of

25 H██████, correct?

1 A Correct.

2 Q Refresh everybody's recollection; how old is H [REDACTED]?

3 A She's 8.

4 Q And how long-- Where is H [REDACTED] living right now?

5 A With the foster family, the M [REDACTED].

6 Q Okay. And how long to the best of your knowledge has
7 she be with the M [REDACTED]?

8 A I don't know. Like just a few months.

9 Q A few months?

10 A Yeah.

11 Q And who was she living with before the M [REDACTED]?

12 A With the other foster family the S [REDACTED]s.

13 Q How long was she living with the S [REDACTED]s?

14 A For 3 years.

15 Q What is your understanding as to why the S [REDACTED]s
16 no longer were a foster family for H [REDACTED] and the
17 M [REDACTED] became the foster family?

18 A H [REDACTED]'s behavior was getting too extreme for them,
19 and they felt like their safety and the kids' safety
20 were at risk to have H [REDACTED] there.

21 Q Are you aware that there has been a change of
22 placement from the M [REDACTED] filed with this Court?

23 A Yes.

24 Q And, in fact, the Court indicated that they were going
25 to sign that change of placement this morning, are you

1 aware of that?

2 A Yes.

3 Q And that is going to move H██████████ from the M██████████,
4 correct?

5 A Correct.

6 Q What is your understanding as to why the M██████████ chose
7 snout to keep placement of H██████████?

8 A They as well could not deal with her behavior.

9 Q Regarding the change of placement, what is your
10 understanding as to where H██████████ will now live?

11 A I'm sorry, could you repeat that?

12 Q To the best of your knowledge and understanding, where
13 is H██████████ going to live after June 8th?

14 A Her aunt, K██████████ J██████████.

15 Q That is her paternal aunt?

16 A Correct.

17 Q And that is Mr. J██████████, C██████████ J██████████, my client's
18 sister?

19 A Correct.

20 Q And what is your thoughts on H██████████ living with
21 K██████████a J██████████?

22 A If she was not able to live with me, K██████████ would be
23 the best choice for her.

24 Q Do you have much contact with Ms. J██████████?

25 A All the time.

1 Q When you say "all the time," how much?

2 A Almost every other day.

3 Q Is it your understanding that H [REDACTED] has had some
4 trial placements with her aunt?

5 A Yes.

6 Q What is your understanding from talking to either
7 Ms. J [REDACTED] or talking to the social worker, to the
8 best of your knowledge, how you think that placement
9 with K [REDACTED] has been going?

10 A It's been going great. K [REDACTED] has mentioned that it's
11 a lot of fun there. She has mentioned H [REDACTED] does
12 have some behavior issues, but she has given me the
13 reassurance that she will be able to handle those
14 behavior issues.

15 Q Now, needless to say, H [REDACTED] is no longer with her
16 other siblings, correct?

17 A Correct.

18 Q Do you believe that if H [REDACTED] cannot be placed with
19 other siblings, Ms. J [REDACTED]'s home is a good place for
20 her to reside?

21 A Yes.

22 Q And you indicated that if H [REDACTED] could not live with
23 you, would your preference be that she live with Aunt
24 K [REDACTED] J [REDACTED]?

25 A K [REDACTED] or some other family, yes.

1 Q Would you be in agreement if Ms. J [REDACTED] took
2 guardianship of H [REDACTED]?

3 A You say would I be in agreement?

4 Q Yes.

5 A Yes.

6 Q Would you be in agreement if it was decided that it
7 was best for H [REDACTED] that if she could not be placed
8 with you, that Ms. J [REDACTED] would be able to adopt
9 K [REDACTED]?

10 A That conversation has been talked about, and I don't
11 think that would be a decision that K [REDACTED] would even
12 want to make.

13 Q But you do agree at today's hearing, if you could not
14 have H [REDACTED] back, a long-term placement of some type
15 sort with K [REDACTED] J [REDACTED] would be best for H [REDACTED]?

16 A Yes. If that was the last choice, yes.

17 MS. STRIGENZ: I have no further questions.

18 THE COURT: Thank you.

19 Mr. Kreger.

20 MR. KREGER: Yes, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. KREGER:

23 Q Ms. M [REDACTED], what is your current address?

24 A Do I have say that?

25 THE COURT: Is there any kind of

1 confidentiality for protection that's in place for her
2 address?

3 MR. KREGER: I can move past this.

4 THE COURT: Okay. Thank you.

5 BY MR. KREGER:

6 Q So what types of behaviors does H [REDACTED] have?

7 A H [REDACTED] has temper tantrums. She likes to yell a
8 lot. She likes to hit, kick, pinch, slap, punch.
9 Just kind of have a lot of anger toward, anger inside
10 of her that she takes out on other people.

11 Q And what type of treatment has she received for her
12 current behavioral issues?

13 A She is receiving therapy.

14 Q And who is she receiving therapy with?

15 A I think it starts with an M -- N. I can't remember
16 her name. It's a confusing name.

17 Q Do you believe that that therapy is helpful?

18 A I do.

19 Q Why do you say that?

20 A Just from the discussions I've had with H [REDACTED] and
21 the discussions I've had with the foster mom in
22 regards to talking to the therapist as well. I
23 believe that H [REDACTED] has been able to express some of
24 her concerns that other people haven't been able to
25 get to, and I think, like, therapy -- even though it's

1 slow, I think it's just helping her to be able to open
2 up and get a better understanding as to maybe why
3 she's behaving the way she's behaving.

4 Q And if she were placed with you would, you plan on
5 continuing that therapy?

6 A I would.

7 Q Do you have any other plans for H [REDACTED] in relation
8 to her behavioral issues?

9 A Well, I'm working on trying to get psychiatry for her.
10 I've been working with the case manager to get a
11 psyche eval done, and try to possibly see if we can
12 get her on different medication.

13 Q So you mentioned that your therapist was out
14 indefinitely on sick leave; is that correct?

15 A Correct.

16 Q So is it true that you contacted the case manager
17 several weeks ago letting her know that your therapist
18 was out?

19 A Yes.

20 Q Since that time has the case manager helped you to try
21 and find another therapist?

22 A Yeah, she's been doing the best she can.

23 Q And you stated there was specific qualifications that
24 you were looking for in a therapist. What are those
25 qualifications?

1 A It would a woman, and it has to be African-American or
2 Asian.

3 Q And are you also looking for therapy to continue to be
4 over Zoom?

5 A I would prefer it to be Zoom until I can build that
6 relationship with that person where I'm comfortable
7 being around them.

8 Q And has that also been a hindrance to finding a
9 therapist?

10 A Yes.

11 Q And in F█████'s case, there's a jury trial for
12 termination of parental rights set in August of 2021;
13 is that correct?

14 A Yes.

15 Q And in A█████'s case, there is a trial set for
16 December 2021 in his CHIPS case; is that also correct?

17 A Correct.

18 MR. KREGGER: I have no further questions.

19 THE COURT: Thank you.

20 Mr. Lacera, any questions?

21 MR. LACERA: Yes. Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. LACERA:

24 Q Ms. M█████, how often are your visits with the three
25 girls?

1 A Twice a week for four hours.

2 Q Okay. And do you believe that C [REDACTED] and M [REDACTED]
3 have a substantial relationship with the S [REDACTED]s?

4 A I believe M [REDACTED] does, not C [REDACTED].

5 Q Do you not believe that C [REDACTED] laughs and has fun
6 with the S [REDACTED]s?

7 A Yeah. That doesn't mean that's a relationship though.

8 Q And you said that the children or I guess C [REDACTED]
9 talks to you when she's sad. Do you believe she talks
10 to the S [REDACTED]s when she's sad?

11 A Sometimes, but the S [REDACTED]s also told me she
12 doesn't talk to them when she's sad, too. So that I
13 know that it's not all the time.

14 Q Okay. I guess the reason I bring that up is because
15 those were all reasons that you gave for why the
16 children have a substantial relationships with you and
17 the fathers. I guess my question is, why do you think
18 it's different here?

19 A Correct, because C [REDACTED] is what, is 9 years old,
20 and I have had a bond with her. I am the person that
21 gave birth to her. I am the person held her in my
22 stomach for nine months. That is a different bond
23 that no one else can get from anybody else. Just
24 because she laughs and just because she talks about
25 when she's sad, that's different. But she doesn't

1 tell them everything she tells me. She's more open to
2 me. She's more happy with me. She's more laughing
3 with me. She's more willing to do things with me, and
4 she wants to live with me.

5 She might be laughing and talking about
6 her feelings with them, but that's who she's with
7 right now. She wants to talk to me. She wants to
8 talk to her father, but we aren't able to at those
9 times. So she has no other choice but to talk to
10 them.

11 Q Thank you. If the children were returned to you,
12 would you allow visits with the S ██████s?

13 A Yes.

14 Q Have you discussed that at all with them?

15 A I have.

16 Q And what would that look like?

17 A It would just be-- Like, before, we talked with the
18 old case manager, Lauren Miller, we had all discussed
19 that if the kids were to return to me, what kind of
20 support the S ██████s would be for me. So in case,
21 like, I needed an emergency and I had to drop the kids
22 off, they would be that access to me. Or if, you
23 know, the kids were, like, hey, we want to go see the
24 S ██████s, then obviously, that would happen as
25 well. We would try to plan something around that.

1 Q You testified that C [REDACTED] had told that you she
2 does not want to live with the S [REDACTED]s. Would it
3 surprise you if she said she did want to live with the
4 S [REDACTED]s?

5 A No.

6 MR. LACERA: Thank you. I have no further
7 questions.

8 THE COURT: Ms. Ward, any redirect.

9 MS. WARD: Yes. Thank you.

10 REDIRECT EXAMINATION

11 BY MS. WARD:

12 Q You kind of testified about the fact that your
13 relationship with the S [REDACTED]s was really good at
14 the beginning?

15 A Correct.

16 Q At that point in time, you were having visits with the
17 kids with them?

18 A Yes. I was able to-- I had things set up where I was
19 getting a visit either the first Sunday or the last
20 Sunday of every month, and then at least one other
21 kind of visit somewhere in that month.

22 Q And they were supervising those visits?

23 A Yes.

24 Q And did that change at some point?

25 A It started slowing down toward the end of last year,

1 and then probably the beginning of this year
2 communication just kind of isn't there unless it's
3 talked about doctor's appointments or school or
4 something.

5 Q So at this point in time are they providing any of
6 those kind of visits, Sunday visits?

7 A No.

8 Q So at this point in time, from let's say December to
9 now, you haven't seen the kids with the S [REDACTED]s
10 supervising?

11 A Correct.

12 Q Does that give you concerns that they're going to
13 allow any kind of relationship if they were -- if they
14 were to adopt the children?

15 A Yes. It gives me a lot of concern, because in the
16 beginning we had a really good communication, we had a
17 really great relationship. I was able to come over
18 there, or we were able to all go out to eat. And then
19 things started slowing down, there wasn't that
20 communication.

21 Really all I have is communication with
22 the mother. The father and I, it's not like a said
23 that we don't like each other, but it's definitely
24 known that we do not like each other.

25 Q Why is that?

1 A For the simple fact the accusations my kids told me
2 about the foster father, and the way I have seen him
3 talk to my kids, and the way I have seen him just
4 interact with my kids all around.

5 Q Have there been some concerns with him and H [REDACTED]?

6 A Yes.

7 Q What were those concerns?

8 A That he was being a little too rough with her, and
9 squeezing her too hard, or like, kind of like dragging
10 her by the arm.

11 Q Do you have any other concerns with the foster
12 parents?

13 A Yes. I have concerns about my kids hygiene. Every
14 visit my kids come in smelling ridiculously bad.
15 Musty, they need deodorant. My son comes in with
16 eczema bad on his back where it's bleeding. I feel
17 like they don't keep up the kids' hygiene.

18 I'm feeling like with the eczema,
19 that's a really bad thing that you should be able to
20 easily keep up on, but they're not keeping up on it.
21 It's the whole hygiene and everything. I just don't
22 feel like it's a good thing.

23 Q Have you informed the caseworker, the prior caseworker
24 was Lauren Miller, had you informed her about your
25 concerns with the eczema and hygiene?

1 A Yes.

2 Q And was it the plan for you to talk to the foster
3 parents, her to talk to the foster parents?

4 A She talked to the foster parents.

5 Q Do you know what happened with that conversation?

6 A I was told that they do bathe more than once, that
7 they do get taken care of. That basically everything
8 the kids were telling me was a lie basically.

9 Q But there's still the concerns with the boys about the
10 eczema?

11 A Correct.

12 Q And have you told the current case manager about that?
13 Has it been an ongoing concern at your visits
14 currently?

15 A I might have. I don't really recall if I absolutely
16 did, but I might have mentioned it.

17 Q Has it been an ongoing concern at visits recently?

18 A Yes.

19 Q Have you done anything to try and help the situation?

20 A I have given them lotion. I have given them
21 suggestions on what to buy for eczema. I have sent
22 creams with them for the eczema.

23 Q By "them," you mean you've given them, the S [REDACTED]s
24 personally or you've given it to the visitation
25 workers?

1 A Well, to the visitation workers, and the S██████████s
2 personally.

3 Q Do you think-- or strike that. Do you have concerns
4 that if the girls-- So C██████████ and M██████████ would be
5 adopted by the S██████████s, that they would allow any
6 visitation with you?

7 A I can't say a hundred percent sure that it would or
8 would not happen. I would hope it happens. You
9 couldn't be a hundred percent sure.

10 Q Do you think it would be harmful for the girls if they
11 weren't able to see you again?

12 A Yes.

13 Q Why?

14 A I'm their mom. I have a relationship with them. I
15 have a connection with them. And I love them, and
16 they love me.

17 Q And do you have concerns that the S██████████s would
18 allow the girls to see their sister?

19 A I do have concerns they would not be able to see the
20 siblings for the simple facts that when H██████████ was
21 the M██████████, it was really difficult trying to get
22 C██████████ and H██████████ to see each other, because
23 they were in two different areas. Even though the
24 M██████████ come to Milwaukee once a week, they still
25 couldn't set up for H██████████ and C██████████ to see

1 each other.

2 Q I'm sorry, did you say they could not set it up?

3 A I guess not. From what I know, they barely have seen
4 each other, but if the M [REDACTED] come to Milwaukee once a
5 week, I just don't understand why my kids can't see
6 each other.

7 Q So there have been concerns about H [REDACTED] being able
8 to see her siblings?

9 A Correct.

10 Q Do the S [REDACTED]s have a relationship with
11 Mr. E [REDACTED], the father of the boys?

12 A They have no relationships with any other parent
13 except for me.

14 Q Do you have concerns if the boys were returned to you
15 or Mr. E [REDACTED] that they would continue a
16 relationship with the girls and their brothers?

17 A Possibly, yes.

18 Q And that's based on the fact that they've really kind
19 of in the last six months cut off those visitations
20 and communications with you?

21 A Yes, and for the simple fact that they also let it be
22 known that they have a very busy schedule, with having
23 all the kids, they can't do much. So if you guys
24 can't set up visitations now, what's to say you can
25 set up visitations later on.

1 MS. WARD: I don't have any other questions.

2 Thank you.

3 THE COURT: All right.

4 Ms. M■■■■■, you can step down.

5 (Witness excused.)

6 THE COURT: Ms. Ward, do you have any at
7 additional witnesses?

8 MS. WARD: I do not. Thank you.

9 THE COURT: Thank you.

10 Mr. Holzman, do you intend to call any
11 witnesses?

12 MR. HOLZMAN: I intend to briefly call the
13 current worker, and I'd like to call my client.

14 THE COURT: Okay. First, Ms. Kohnert.

15 THE COURT: Please remain standing and raise
16 your right hand.

17
18 SAMANTHA KOHNERT, called as a witness
19 herein on behalf of the Respondent, having been first duly
20 sworn, was examined and testified as follows:

21 THE WITNESS: Yes.

22 THE COURT: Thanks. Have a seat. If you
23 could please begin by stating and spelling your name.

24 And then, Mr. Holzman, you can go
25 ahead.

1 THE WITNESS: My name is Samantha Kohnert,
2 S-a-m-a-n-t-h-a K-o-h-n-e-r-t.

3 DIRECT EXAMINATION

4 BY MR. HOLZMAN:

5 Q Ms. Kohnert, how long have you been the worker
6 assigned to the case?

7 A I took the case on 4/19 this year.

8 Q So you don't know a lot of the past history that
9 Ms. Miller might know?

10 A Correct.

11 Q I'm going to ask you some of the things that happened
12 since you got involved in this case?

13 A Yes.

14 Q First, have you even seen where Mr. C■■■■ lived?

15 A No.

16 Q Have you ever met Mr. C■■■■?

17 A No, not until today.

18 Q Have you ever seen the children and the interactions
19 with Mr. C■■■■?

20 A No.

21 Q Have you talked to the kids about their preference in
22 where they want to live or not where they want to
23 live?

24 A No.

25 Q Have you ever seen the children?

1 A Yes.

2 Q Okay. But you have no idea whether or not Mr. C [REDACTED]
3 is in a proper place to take care of C [REDACTED]?

4 A Correct.

5 Q And you've never-- Now, you have talked to Ms. V [REDACTED]
6 R [REDACTED] who you heard previously testify even at the
7 last hearing, correct?

8 A Correct.

9 Q And did you hear her testimony?

10 A Yes.

11 Q Have you had any contact with her since the last court
12 hearing?

13 A Yes.

14 Q Can you describe what the contact is?

15 A Three weeks or so ago, she contacted me asking about
16 placement of C [REDACTED], and as I expressed to her
17 that at this time, we are not recommending that we
18 split her up from her siblings, but that if she did
19 want to go get licensed, she could reach out to go
20 through that process.

21 Q Did you tell her how to do that?

22 A Yes.

23 Q Would you have any-- Did you ever look at her house?

24 A No.

25 Q Did you ever talk to any of the aunts or grandmother

1 of C [REDACTED] to see what their situation was about
2 placement of C [REDACTED]?

3 A I did not speak with any aunts, but I actually did
4 talk with grandmother following the conversation with
5 V [REDACTED] just to clarify that she was not interested
6 currently in placement, and to give the information
7 about why that was, because she wanted C [REDACTED] to
8 be with her siblings.

9 Q Okay. And did she express any opinions on whether or
10 not C [REDACTED] should be with H [REDACTED]?

11 A She did say that she would like her to be to be with
12 H [REDACTED] as well, but that ultimately she wanted to be
13 with siblings.

14 Q Did she talk about V [REDACTED] R [REDACTED], about whether she
15 would be a fit and proper placement resource for
16 C [REDACTED]?

17 A She did not.

18 Q Maybe I asked this already, but did you ever
19 investigate V [REDACTED] R [REDACTED]'s home to see if she would
20 be a fit and proper home for--

21 A No.

22 MR. HOLZMAN: That's all I have. Thank you.

23 THE COURT: Thank you.

24 Ms. Ward, any questions?

25 MS. WARD: Thank you.

1 A We did briefly talk about it when I went to see her
2 home, and she does have four other small children in
3 the home. So we talked about H[REDACTED] and starting
4 there.

5 Q In talking about H[REDACTED] and "starting there,"
6 meaning that if H[REDACTED] was there and that was an
7 appropriate placement for her, potentially her sisters
8 could also be there?

9 A Yeah, we didn't talk about it not being an option.
10 It's just at this time, we need a place for H[REDACTED]
11 to go, and this is the best option for her.

12 MS. WARD: I don't have any other questions.

13 THE COURT: Thank you.

14 Mr. Lehto, any questions.

15 MR. LEHTO: Yes.

16 EXAMINATION

17 BY MR. LEHTO:

18 Q Ms. Kohnert, have you had communications with
19 C[REDACTED] W[REDACTED]?

20 A Yes.

21 Q Okay. How do you communicate with him?

22 A The call is through-- I reach out to the prison, and
23 then get in contact with social worker there, and they
24 set up a call. I have since-- He sent an email for
25 request for CorrLinks. That was completed, and I'm

1 still waiting on it as pending.

2 Q So you've had communication with him at the facility.

3 What's his visits right now with M [REDACTED]?

4 A So after the last court hearing, the prison social
5 worker expressed that the foster family would have to
6 set up visits during, he has two, I think, 20-minute
7 visits a week they can set up. He said that he's
8 comfortable with one, and those documents were
9 approved by the prison so that they can set those up
10 with him.

11 MS. WARD: Judge, I'm sorry. Could we
12 possible take a couple minute break, just to use the
13 restroom. My client needs to use the restroom.

14 THE COURT: Sure. We'll just go off the
15 record briefly.

16 (Off the record.)

17 THE COURT: All right. Back on the record.
18 I think it was you Mr. Lehto, right?

19 MR. LEHTO: Yes.

20 THE COURT: All right go ahead.

21 BY MR. LEHTO:

22 Q I think we left off talking about visits for
23 Mr. W [REDACTED], correct?

24 A Yes.

25 Q And is it correct it's the S [REDACTED]s who are going

1 to be doing transportation for the visits?

2 A The visits are only virtual. The jail is only doing
3 virtual visits.

4 Q Okay. All right. It's going to be a 20-minute
5 virtual visit a week?

6 A Yes.

7 Q Okay. And the S [REDACTED]s are agreeable to that?

8 A Yes.

9 Q To your understanding, what's the relationship between
10 Mr. W [REDACTED] and the S [REDACTED]s?

11 A From my understanding they talk. I don't know how
12 extensive that is, but they do communicate.

13 Q Okay. And in regard to your statement earlier, I
14 think, in regard to the change of placement to V [REDACTED]
15 R [REDACTED], that would be for which child again?

16 A That would be C [REDACTED].

17 Q C [REDACTED]. Okay. And your agency wouldn't recommend
18 it because it would split the child from the siblings?

19 A From the rest of the siblings, yes.

20 Q Well, how do you balance that with the relationship
21 that would exist between the parents and the child if
22 there was a guardianship?

23 A What? Can you clarify what you mean?

24 Q Yes. I mean it there some particular reason the
25 Agency is saying, you know, the siblings are more

1 important than the parents in terms of a permanency
2 outcome?

3 A At this point the siblings do have a close bond, and
4 they are relatives to each other. So we would want to
5 keep them together.

6 Q Right. Now-- But this situation is a little unique.
7 As this case has been pending, there was one sibling,
8 then there was two siblings, and the Agency back then
9 when there was one sibling and two siblings was
10 saying, we don't want to change placement to a family
11 member because we want to keep the children together;
12 do you agree with that?

13 A That is-- Yes.

14 Q And now there's another sibling and another sibling.
15 But in the meantime, the Agency has never supported a
16 placement with a relative; is that correct?

17 A They have had C██████████ with a relative in the past.
18 And we are currently changing the placement of
19 H██████████ to a relative.

20 Q Right. And with H██████████, it's primarily because the
21 non-relatives haven't been able to handle her
22 behavior, correct?

23 A Correct.

24 Q Okay. Now, H██████████ may be able to maintain a
25 relationship with her parents but not with the

1 siblings, correct?

2 A From everything that I've been told, the S [REDACTED]s
3 and K [REDACTED] are in contact with each other, and they
4 will maintain that contact.

5 Q Yeah. So at this point, I'm just going to be clear,
6 if any parent were to promote a relative whether
7 they're licensed or not, the Agency -- except for
8 H [REDACTED] -- the Agency would not be in favor of that;
9 am I correct?

10 A It would be something that we would staff and make
11 that decision case my case depending on the situation
12 of the child and family.

13 MR. LEHTO: Okay. No further questions.

14 THE COURT: Ms. Strigenz.

15 MS. STRIGENZ: Thank you.

16 EXAMINATION

17 BY MS. STRIGENZ:

18 Q Ms. Kohnert--

19 THE COURT: Hold on. You might need to
20 switch that mic over so Mr. W [REDACTED] can hear you. Thank
21 you. Thank you.

22 BY MS. STRIGENZ:

23 Q Ms. Kohnert, you have only been on the case since
24 April of this year, correct?

25 A Correct.

1 Q But you had time to review the file with regard to
2 H██████████ in particular?

3 A Yes.

4 Q Before the time you began?

5 A Yeah.

6 Q And so during the time you that became the social
7 worker for H██████████, H██████████ has been placed with the
8 M██████████ family as her foster placement, correct?

9 A Correct.

10 Q Unfortunately, that did not work out, correct?

11 A Correct.

12 Q What is your understanding, you indicated in your
13 notice of change of placement, the current placement,
14 I'm assuming the M██████████ family?

15 A Yes.

16 Q Put in a 30-day notice?

17 A Yes.

18 Q Was your understanding why they put in that 30-day
19 notice?

20 A So my understanding of it really is it's really
21 affecting their daughter the most. So H██████████ does,
22 a lot of her behaviors is towards their 6-year-old
23 daughter. Specifically she'll tell her she hates her,
24 she'll try to attack her, things of that nature to the
25 point where they were having their daughter stay with

1 her grandmother most of the time that H [REDACTED] has
2 been in the home?

3 A And H [REDACTED] still is formally placed with the M [REDACTED]
4 family until June 8th, now that this Court has signed
5 the change of placement order?

6 A Yes.

7 Q Though she is going to be with K [REDACTED] J [REDACTED] this
8 weekend I understand?

9 A Yes.

10 Q How did you come up with Ms. J [REDACTED] as to be the new
11 placement of H [REDACTED]?

12 A Actually, it was expressed to me by Ms. M [REDACTED]'s
13 attorney that she was interested.

14 Q And how much did you have to vet Ms. J [REDACTED] before
15 the decision was made to do the change of placement?

16 A So I had several phone calls with her, and we also
17 went out to her house, did a walk-through,
18 communicated with her about all the behaviors, things
19 of that nature. We wanted to make sure what it would
20 look like potentially, and so that did take sometime.

21 Q And you've only been on the case since April. What
22 length of period of time did it take to investigate
23 Ms. J [REDACTED]?

24 A Probably two-and-a-half weeks when we finally got out
25 the house. And since then, we were able to do

1 pre-placement weekend visits, just to make sure she
2 was seeing her in person and have that, you know,
3 relationship and stuff like that.

4 Q So, in fact, H [REDACTED] has already been spending some
5 overnights with her paternal aunt?

6 A Yes.

7 Q And how many times would you say that has occurred?

8 A This will be the third weekend.

9 Q This one coming up?

10 A Yes.

11 Q And based on the prior two weekends and your
12 investigation of Ms. J [REDACTED], what is your opinion of
13 Ms. J [REDACTED]'s ability to take care for H [REDACTED]?

14 A At this time, I do think she is capable, and
15 everything she is saying about, you know, her son and
16 his behavior are really encouraging. She seems to
17 know how to handle that type of behavior in the home.
18 And so we are looking forward to that.

19 Q Now, you had an opportunity to talk about the change
20 of placement on Tuesday, correct?

21 A Yes.

22 Q And what did you indicate to me about your intentions,
23 or excuse me, the Department's intentions for
24 placement with H [REDACTED] with Ms. J [REDACTED]?

25 A What do you mean?

1 Q Long-term or short-term placement?

2 A Long-term. She wants to be a long-term option for
3 H██████████. She wants to give her something stable so
4 she's not a part of system anymore.

5 Q When you say "she," you're referring to Ms. J██████████?

6 A Ms. J██████████, yes.

7 Q When you talk about a long-term placement, how do you
8 see that shaking out in this court, in terms of a
9 guardianship or potential adoption or?

10 A At this time it would be too early to tell. H██████████
11 is not in the home, so we wouldn't be able to, I mean,
12 K██████████ wouldn't be able to tell me right now what that
13 she thinks that would look like. And then you also
14 still have to go through the licensing process. She's
15 in the early stages, and that could result in her not
16 being able to be licensed. So we have a lot of things
17 that need to be figured out before we can even make
18 that decision.

19 Q I know she's in the early stages of licensing, but are
20 you anticipating any problems with that?

21 A No.

22 Q Am I correct in stating that it is yours and the
23 Department's understanding or desire that this be a
24 long-term placement?

25 A Yes.

1 Q That is, of course, between H [REDACTED] and her aunt?

2 A Yes.

3 Q But that hasn't shaken out at all as to how that might
4 look in term of guardianship or potential adoption?

5 A Correct.

6 Q Your intentions are hopeful at this point in time
7 though?

8 A Yes.

9 MS. Strigenz: Okay. I have no further
10 questions.

11 THE COURT: Thank you.

12 Mr. Kreger.

13 MR. KREGER: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. KREGER:

16 Q Ms. Kohnert, does Mr. C [REDACTED] reach out to you?

17 A No.

18 Q Since you've taken this case, has he ever made contact
19 with you?

20 A No.

21 Q He's never informed you of any services he's in?

22 A No.

23 Q And he's never asked you to come to his home or
24 anything like that?

25 A No.

1 Q Would Mr. C [REDACTED] have your information if he wanted to
2 reach out to you?

3 A I would hope so, yeah.

4 Q Was that ever provided to him?

5 A By Lauren, and then I tried to reaching out to give
6 him my contact information, and then I recently even
7 sent an email.

8 Q And so how do you typically reach out to him?

9 A So via phone, and then I reached out with email
10 because my phone wasn't working to make sure he had my
11 contact information and a way to reach me.

12 MR. KREGGER: I have no further questions.

13 THE COURT: Thank you.

14 Mr. Lacera, any questions?

15 MR. LACERA: I have no questions, Your
16 Honor.

17 THE COURT: Okay. Thank you, Ma'am.

18 MR. HOLZMAN: Can I ask a few follow ups?

19 THE COURT: Very briefly, sure.

20 REDIRECT EXAMINATION

21 BY MR. HOLZMAN:

22 Q Have you ever contacted Mr. C [REDACTED]?

23 A Yes, I've tried.

24 Q Did you give him information how to do a psychological
25 assessment?

1 A What was the question?

2 Q Did you give him information how to do a psyche
3 assessment?

4 A No, I never spoke to him.

5 Q Did you talk to him about any services he needed to
6 complete when you talked to him?

7 A No.

8 Q Have you ever suggested to him that you look at his
9 home?

10 A No.

11 Q You also talked about visits. Have the S■■■■■■■■■■s
12 expressed to you an indication that they wished to
13 continue visits with the parents afterwards?

14 A They have expressed to me they would, yes.

15 Q What kind of plan to they have for these four children
16 as to the visits?

17 A I haven't spoken to them in detail about that.

18 Q So you've got four different children here, three
19 different fathers, you've got a mother, plus other
20 relatives, is there a plan for these busy parents to
21 actually have visits continue as they are as far as
22 you know?

23 A As far as I know, no.

24 Q So basically they've given you no plan. They've
25 expressed an interest in doing it, but I think there's

1 some discussion about being overwhelmed with so many
2 kids earlier, was it the M█████ or the S█████s?

3 A The S█████s? What's the question?

4 Q Did they say that they might have been overwhelmed by
5 only having visits with H█████?

6 A They have expressed that they are busy, but there have
7 been visits with H█████.

8 Q Okay. But you have no idea how they're going to
9 continue with other kids if the TPR is granted?

10 A No.

11 Q I think you answered this question, but, were you
12 present in court when Ms. M█████ testified that she
13 talked to H█████ -- to C█████ about having
14 visits, about where she wanted to stay?

15 A Are you talking about--

16 Q At the last court hearing.

17 A When we were at Zoofari?

18 Q When we were at the last court hearing, did you hear
19 Ms. Miller say that she had talked to C█████ about
20 having visits, where she wanted to stay, that she
21 wanted to be adopted?

22 A Yes.

23 Q And she said she was undecided, correct.

24 A Yes.

25 Q And you heard Ms. M█████ say that she was not

1 undecided, that she wants to live with either the
2 mother or father today?

3 A Yes.

4 Q Based on your limited knowledge that it would be
5 harmful for H██████████ to never see her mother, her
6 grandmother, her great-grandmother, or her father ever
7 again?

8 A No.

9 Q It wouldn't be. Okay. That's fine. One follow-up
10 question. Even though she had spent two years with
11 her grandmother and regularly seeing her father and
12 her mother, it wouldn't be harmful?

13 A It could be if she has zero contact.

14 MR. HOLZMAN: Okay. No further questions.
15 Thank you.

16 THE COURT: All right. Thanks. You can
17 step down.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 THE COURT: All right. We'll get the
21 witness stand cleaned up. And then you said you wanted to
22 call Mr. C██████████, right?

23 MR. HOLZMAN: I do. Thank you, Your Honor.

24 THE COURT: All right, Sir. You can come up
25 that little ramp over there, just the ramp, and please

1 remain standing and raise your right hand.

2

3 J [REDACTED] C [REDACTED], called as a witness on
4 his own behalf, having been first duly sworn, was examined
5 and testified as follows:

6 THE WITNESS: Yes, Ma'am.

7 THE COURT: Thanks. Have a seat. And if
8 you can please begin by stating and spelling your name.

9 And then, Mr. Holzman, you can go
10 ahead.

11 MR. HOLZMAN: Thank you, Your Honor.

12 THE WITNESS: Last Name is C [REDACTED], C-[REDACTED]
13 J [REDACTED], J-[REDACTED].

14 THE COURT: Thank you.

15 THE WITNESS: Yes, Ma'am.

16 DIRECT EXAMINATION

17 BY MR. HOLZMAN:

18 Q Mr. C [REDACTED], if I talk too fast, because I do, please
19 stop.

20 A Yes, sir.

21 Q The Court reporter will tell you I do talk too fast.

22 A All right.

23 Q Where do you currently reside?

24 A [REDACTED].

25 Q Okay. And how long have you resided there?

1 A Approximately eight months now -- I'm sorry, six
2 months now.

3 Q Okay. And do you live alone or do you live with
4 somebody?

5 A With my fiancée.

6 Q Okay. And how long have you lived at that address?

7 A About six months.

8 Q And prior to that time, you were in custody, correct?

9 A Yes, sir.

10 Q And you're currently on parole, isn't is that correct?

11 A Yes, sir.

12 Q And you're basically on extended supervision as of
13 right now, right

14 A Yes, sir.

15 Q And how long do you have on extended supervision?

16 A Twenty-four months, 2 years.

17 Q Since you've been released, have you had UAs or been
18 in contact with your agent?

19 A Yes, sir.

20 Q Has there been any attempt to revoke you for
21 noncompliance?

22 A No, sir. Absolutely not.

23 Q Are you working at the present time?

24 A Yes, sir.

25 Q Where do you work?

1 A (Indiscernible) Beauty Solutions, 303 West Marquette
2 Avenue out of Oak Creek.

3 THE REPORTER: I--

4 THE WITNESS: I'm also a personal trainer
5 for Val's Workout--

6 THE REPORTER: I'm sorry, say that again.

7 THE WITNESS: 303 West Marquette Ave, Music
8 Prod Productions. I'm a fork lifter and a personal
9 machine operator making Jeep Cherokee parts, and I'm also
10 a personal trainer for Val's Workout which is my personal
11 small business that I'm trying to get off the ground right
12 now.

13 BY MR. HOLZMAN:

14 Q What's the name of your small business?

15 A Yes. (Indiscernible) Workout.

16 THE REPORTER: Wait, wait, wait. I'm sorry.

17 MR. HOLZMAN: A little bit slower.

18 THE REPORTER: Well, and the microphone or
19 speaker is going in a out, and I can't understand clearly
20 what he's saying.

21 THE WITNESS: Okay. So Val's Workout.
22 That's the name of the business. So personal training.
23 And been doing that for about three months now. Three
24 months now. So that's where I'm at employment wise.

25 THE COURT: So you do have to wear the mask.

1 And the thing I would say is that if you can adjust the
2 microphone so you're maybe, I don't know, an inch and a
3 half from it.

4 THE BAILIFF: It's hard. I don't know why
5 it's-- So you can't really, I don't know why it's so
6 tight.

7 THE COURT: That's pretty good. Okay.

8 BY MR. HOLZMAN:

9 Q Okay. You said you started your own business?

10 A It's in the making, yes, sir. And I'm also starting a
11 cleaning business that's named after my daughter, or
12 her nickname, and it's called Naz -- her nickname is
13 Nannie, but I call her Naz--

14 THE REPORTER: No, no, no, no. This isn't
15 working.

16 BY MR. HOLZMAN:

17 Q You're going to have to swallow the microphone, I
18 guess.

19 A Okay.

20 Q Go slow.

21 A So I've been doing this personal training thing for
22 about three months, and I'm also trying to start a
23 cleaning business, and that won't be up and running,
24 right, until sometime late fall. So I've got a lot of
25 things I'm trying to get myself into right now. But

1 as far as employment, 303 West Marquette Avenue as far
2 as fork lift and personal machine operation. That's
3 what I'm doing right now currently.

4 Q Let me stop you for a second. You've been working for
5 a business, and you have your own business which was
6 named after your daughter C [REDACTED]?

7 A Yes, sir.

8 Q And currently you live in [REDACTED], right?

9 A Yes, sir.

10 Q And how big is your apartment?

11 A We have a two bedroom apartment.

12 Q How many bedrooms?

13 A Two bedrooms.

14 Q Is there Room enough for C [REDACTED]?

15 A Absolutely.

16 Q Have you talked to your fiancée about having
17 C [REDACTED] move in if necessary?

18 A Yes, sir. We're actually in the process of finding
19 three bedrooms in Oak Creek so that we have extra room
20 for her. So, yes, I have talked to her about
21 placement with my daughter with us, yes, sir.

22 Q Okay. Now, let me ask you about your current contact
23 with C [REDACTED] and then go backwards?

24 A Yes, sir.

25 Q Currently are you having any contact with C [REDACTED]?

1 A Yes, sir.

2 Q Can you briefly discuss how the contact is made, and
3 how often it is?

4 A Okay. So first I want to say, via telephone, via
5 telephone.

6 Q By telephone?

7 A Telephone. I talk to her about two to three times a
8 week. When she has a visits with her mother,
9 Ms. M██████, I talk to her. When she's with my mother
10 for visitation, I'll always go see her every chance I
11 get. I try to not to miss a beat when she's with my
12 family. So via phone calls three times a week, and I
13 try to see her as much as possible in the physical
14 realm at least twice a month.

15 Q All right. Let me slow you down and kind of summarize
16 that. Okay?

17 A Yes.

18 Q You call her three times a week to the S██████s and
19 talk to her on the telephone?

20 A Yes, sir.

21 Q How long are those conversations?

22 A Those calls last approximately about 45 minutes,
23 because Ms. S██████ can't handle the kid's
24 attention, which I understand, so approximately about
25 45 minutes to an hour.

1 Q Does C [REDACTED] ever call you?

2 A Yes, sir. Absolutely. When she's on a visit with her
3 mother, she's always calling me, checking up on me, I
4 guess. But, yeah, she calls me, yes, sir.

5 Q So you have three times a week where you call her, and
6 then she calls you with when she's with her mother.
7 Would that be once a week, twice a week, or once a
8 month, what would it be?

9 A It would be about, say with her mom, the visits are
10 about, I think, two times a week if I can remember.
11 So about twice a week when she's with her mom, too.

12 Q But you talk to her-- Would it be safe to say you
13 talk to, her including the visits with her mom, about
14 five times?

15 A About five times. Yes, sir.

16 Q Okay. Can you describe what the conversations are
17 about, and what -- the content of the visits--

18 A Oh, very positive. Very positive. Try to just, you
19 know, talk to her, see where her head at. See where
20 she's at mentally, because obviously, it's not about
21 us, it's about the kids. So the contents are very
22 blessing, positive, inspiring, motivational. So
23 they're very, very good conversations all the time.
24 Never seem to be anything bad whether it comes to me
25 and C [REDACTED].

1 Q Does she ever tell you that she love you?

2 A Absolutely. Yes, sir.

3 Q Is that frequently, or is it once, twice or what?

4 A Every time I hang up the phone, it's, I love you, and
5 I love you, princess, every time.

6 Q Okay. Did you ever buy gifts or presents for holidays
7 or Christmas or her birthday?

8 A Yes, sir. I have several receipts from the past years
9 that I've kept and gave to my counsel just to keep for
10 proof. I just brought her 18 inch swimming pool last
11 week. So I'm always buying her gifts, and I know that
12 gifts doesn't cut off with actual time with a kid, but
13 she's spoiled. I spoil her so hard. I buy her
14 anything she wants. So, yeah, I do.

15 Q Okay. In addition to the five times a week that you
16 have contact with her on the telephone, you mentioned
17 visits you had at your mother's house. Can you
18 describe that briefly?

19 A Oh yes, sir. Once I'm there, we take the show. It's
20 me and her. It's -- that's all, and we're gone. And
21 everybody wonder where we going. We're at the park or
22 at the store or we also like to go outside. When I'm
23 there, I try to spend as much quality personal time
24 with her, because that's what's needed right now. So
25 it's always a good time when we're together.

1 Q How many times a month would you say that happens that
2 you have personal visits with her? It's just when
3 she's at your mother's house, correct?

4 A Yes, sir.

5 Q Do you have any contact with Ms. Kohnert?

6 A No, sir.

7 Q Has she ever tried to set up services for you?

8 A No, sir.

9 Q Has she ever visited you at your house?

10 A No, sir.

11 Q At the visits with your mother, who is present; is it
12 grandma present?

13 A Several family members at times, because it's always
14 nice outside. Usually my grandmother, my mom or her
15 mom.

16 Q How does C [REDACTED] act with your grandmother, that's
17 V [REDACTED] R [REDACTED], correct?

18 A Yes, sir.

19 Q How does she act with Ms. R [REDACTED]?

20 A Typical grandchild, can I have this or can I have
21 that? She listens and very obedient, as she should
22 be, and has a very respectful attitude when she's
23 around her. So it's always a good time.

24 Q Did she ever tell Ms. R [REDACTED] about wanting to stay
25 with the S [REDACTED]s or what does she say, if

1 anything?

2 A Oh, yes, sir. Even when I talked to her, she always
3 wants to come stay with us. She always wanted to come
4 and stay with Granny or with us. But I try to keep it
5 down, because there's a lot of confusion, she's only
6 9. So she doesn't know what's going on. So if I ask
7 her, I try to ask her sometimes, one time out of the
8 visit just to see where head is at, to see if she had
9 changed her mind over time, because kids can change
10 with kids. So with that being said, yeah, she always
11 wants, yeah, she always wants, you know, I come stay
12 with y'all, or yeah, sure, yeah. That's what she said
13 about that, so, yes, sir.

14 Q Does your grandma, Ms. R [REDACTED], have facilities for
15 C [REDACTED] to live in, like a bed or whatever?

16 A Yes, sir. We have actually her own bedroom, princess
17 bedroom that she likes, fully equipped with everything
18 that she has or she wants. She has still has Teddy
19 Bears from when she was 2 or 3 years old that I gave
20 her. She's nine. So she have everything she needs
21 when it pertains to us, her family.

22 Q Okay. When you see C [REDACTED] and she sees you, how
23 does she act?

24 A Oh, she acts like, I'm digging in my pocket a lot, I
25 know that. But it's just amazing. I mean, it's

1 always, she's very clingy when it comes to me, as she
2 should be. It's always a beautiful time. It's never
3 a dull moment when it comes to C [REDACTED] and me. I
4 take full responsibilities for what's going on right
5 now. It's not the kid's fault at all, it's the
6 parents' fault.

7 Q Let me go back on that. That means the reasons why
8 C [REDACTED] was taken away?

9 A That too, and a lot of my irrational mistakes that
10 I've made in the past as far as going to prison,
11 making dumb mistakes, being young, that I take full
12 responsibility over. I went to prison for three
13 years, committed armed robberies that I'm not proud
14 of, due to me making irrational decisions once again.
15 Domestic violences, fighting, CCWs. This is years
16 ago. I'm not here to make any excuses, but I'm here
17 to take full responsibilities for my actions. Move
18 forward and get her out of the system.

19 Q Let me ask you about that. You have been to prison?

20 A Yes, sir.

21 Q During the time, let's say last time you were in
22 prison, did you make any -- did you have any contact
23 with C [REDACTED]?

24 A Absolutely. I always try to call her every day. I
25 tried to call her every day. It wasn't every day I

1 talked to her, but I always tried to call her every
2 day.

3 Q And that was from prison?

4 A Yes, sir.

5 Q Okay. While you were in prison this last time, how
6 long were you in prison?

7 A About six months.

8 Q Six months?

9 A Yes, sir.

10 Q What kind of services or programs did you complete?

11 A During that time, that time, nothing, because--

12 Q This last time?

13 A This last time I just sat that time. But before that
14 and after I had got out, too, I put myself in a couple
15 courses, general ed classes. I attended Fox Valley to
16 obtain my CPR certification to just try to get into
17 some kind of health field. I also took initiative to
18 apply and take classes for OHSA 10.

19 Q What is that?

20 A It's pretty much going around and cleanup major oil
21 skills, electrical problems, maybe with wiring, stuff
22 like that. It's a very serious and dangerous job. So
23 that too, as well as construction. Right now I have a
24 basketball team with troubled youth. My daughter
25 actually is on my basketball team. She hasn't started

1 yet, but she's one of the players on the team.

2 Q Who is?

3 A C [REDACTED].

4 Q C [REDACTED]?

5 A Yes, sir.

6 Q So let me back up a second. So you're coaching a
7 youth basketball team?

8 A Yes, sir. Which I have proof for as well.

9 Q Okay. And you say C [REDACTED] is scheduled to be one
10 of those participants?

11 A Yes, sir.

12 Q Is that because she wanted to be on the team?

13 A Absolutely. She wants to play basketball. And I
14 didn't force her into doing this. She wants to do it
15 so I'm going to support her hundred percent.

16 Q How long have you been a youth basketball coach?

17 A I've been doing this for about periodically throughout
18 the years. So about two years, about two or three
19 years.

20 Q Okay. And what, if any, parenting classes or
21 fatherhood classes did you complete?

22 A Fatherhood Initiative, and two other parenting classes
23 I have, too. My personal time without the help of
24 CPS, Children's to advance my beliefs and parenting
25 skills. So that way in the future, I'm able to

1 conduct myself in a more positive and reasonable
2 manner when it comes to raising my daughter.

3 Q Are there any classes that Ms. Kohnert or Ms. Miller
4 has told you or any services that you haven't
5 completed--

6 A I have to admit--

7 Q --outside of this psychological?

8 A Yes, sir, I have to admit-- Well, as far as
9 psychological, no, sir. And I think the lack of
10 communication with the social worker is not her fault,
11 and I believe it's not mine. I did change my number,
12 so if she did call the cell phone, which I don't have
13 no more, I would never notice that at all. So just
14 goes back to lack of communication on both ends
15 probably is what got us in this situation between the
16 social worker.

17 Q Prior to-- Now, C [REDACTED] however lived with you for
18 more than a year, correct?

19 A Yes, sir.

20 Q Did she ever stay with you on weekends or during the
21 summer at all?

22 A When she was about 2 or 3 years old, 4 maybe, I had
23 her for about half a summer. Her mom would bring her
24 over, and I would keep her three or four weeks at a
25 time. It's sad to say, so unfortunately, but before

1 this whole ordeal, I had my child when I wanted her.
2 So once this started to happened, kind of presented
3 itself, unfortunately, the time I have with C [REDACTED]
4 is very mediocre, very minor. I don't see her as
5 much. So that's where I'm at right now.

6 Q So basically before she was removed from the mother's
7 house, you saw her--

8 A All the time.

9 Q Yeah.

10 A All the time.

11 Q Okay.

12 A Yeah.

13 Q What does she call your grandma?

14 A Depends on which one you're talking about, my mom?

15 Q I'm talking about Ms. R [REDACTED]?

16 A Yes, sir. Just call her Granny. Granny, yeah.

17 Q Does have you ever heard her say she loves her Granny?

18 A All the time, yes, sir.

19 Q How about your mother?

20 A Yes, sir. Yes.

21 Q Has anybody ever criticized your behavior at the
22 visits, said you're not being appropriate?

23 A Oh, no. No, sir. I think I'm more worried about
24 whome around her than anything.

25 Q Now, you would prefer -- is it safe to say you would

1 prefer to have C [REDACTED] live with you?

2 A Yes, sir.

3 Q But if she can't live with you, would you like her to
4 live with your grandma?

5 A Yes, sir.

6 Q And has she ever talked to you about living with
7 grandma?

8 A Oh, Yes, sir. But it's always, well, if I can stay
9 with you, I want to make sure I'm at Granny's house.
10 So, yeah, that's correct.

11 Q Okay. Then you believe if you were not allowed to see
12 C [REDACTED], it would be harmful to her?

13 A Absolutely. There's no question about that. She's a
14 kid. I know she doesn't understand what's going on
15 right now. So yes, sir. I think we need to take our
16 time, be patient with this situation, and make what's
17 best for the kids.

18 Q All right. At the time that you have and these
19 personal visits at your mother's house--

20 A Yes, sir.

21 Q --does she have any interaction with her aunts?

22 A Yes, sir.

23 Q Can you just tell me?

24 A Yes, sir. Just to be brief, a little example,
25 barbeques, jumpy balls, and there were a lot of times

1 when I took her to, like, cookouts and things like
2 that, sir. She's always over there with her cousins,
3 things like that. So it's always -- interactions
4 always positive, and always good, all the time.

5 Q Do you think it would be harmful to her to have those
6 interactions terminated or restricted?

7 A Absolutely. I don't see why-- I don't even see--
8 Yes, absolutely. There's no question about it.

9 Q Now, there were some periods where you didn't see
10 C ██████████ --

11 A Absolutely, yes, sir. That's in the (indiscernible.)
12 Yes--

13 Q --(indiscernible) right?

14 THE REPORTER: I'm sorry, could you say that
15 again?

16 MR. HOLZMAN: I'm sorry.

17 THE REPORTER: I didn't hear. I didn't
18 understand that.

19 MR. HOLZMAN: I asked if there were periods
20 where he didn't see C ██████████ and then he answered yes.

21 THE WITNESS: Yes, sir.

22 BY MR. HOLZMAN:

23 Q And that has happened in the past. You understand you
24 made a mistake?

25 A Yes. That was due to my mishaps, my mistakes.

1 Nothing to do with the courts or anybody. My
2 mistakes. I take full responsibility for that.

3 Q And are you satisfied that C [REDACTED], would you
4 prefer her to be with the S [REDACTED]s or your family?

5 A I just want to say this. We're not looking at race or
6 anything. I heard the S [REDACTED]s are good people,
7 and we're going to do what's best for the kids. Now,
8 ultimately, we all want her with family. But right
9 now, if she's with somebody that's positive, that's
10 taking care of her in a way that meets every aspect of
11 her life, I'm fine with that now. She's in good hands
12 right now, that's cool. Ultimately, no, no. I don't
13 want her there.

14 Q Would your grandma be able to provide family care
15 similar to that?

16 A Yes, sir. Yes, sir.

17 MR. HOLZMAN: I have no further questions.

18 Thank you.

19 THE COURT: Thank you.

20 Ms. Ward.

21 EXAMINATION

22 BY MS. WARD:

23 Q Based on what you know about the S [REDACTED]s, are you
24 comfortable with C [REDACTED] being with the
25 S [REDACTED]s?

1 A I think a parent would be, not knowing them, no.

2 Q And have the S [REDACTED]s ever set up any visits with
3 you by yourself and them with C [REDACTED]?

4 A Pertaining to this matter, everything is via
5 telephone. So as far as in the physical realm, no,
6 ma'am. Not at all.

7 Q So have they ever talked to you about any plans to
8 continue your visitations if they were to adopt
9 C [REDACTED]?

10 A No, ma'am.

11 Q When you have those telephone calls with C [REDACTED],
12 do the S [REDACTED]s ever kind of give you an update how
13 she's doing, anything like that?

14 A Yes. I'm always going to ask for progress reports.
15 Can you get her report cards sent to my house? Can I
16 have the teachers' numbers? I'm very active when it
17 come to what she's doing, her education or her
18 immunization records. Whatever it may be that
19 pertains to the S [REDACTED]s, I'm always actively
20 trying to listen and to see what's going on with
21 C [REDACTED] and her care.

22 Q About how often does C [REDACTED] come over to grandma's
23 house, is it a weekly, a monthly?

24 A It's more weekly. Let's just say within a month,
25 maybe three times, two or three times, maybe three

1 times.

2 Q Does she stay the whole weekend?

3 A Yes, ma'am. Absolutely, yes.

4 Q And does M [REDACTED] ever come with her?

5 A I haven't been around. If she ever did, I haven't
6 seen this. I can't give a definite. I haven't seen
7 it, so, no, ma'am.

8 Q What about H [REDACTED]; has H [REDACTED] every come over?

9 A H [REDACTED] has been in the past before this was
10 happening. H [REDACTED] was over quite often, which is
11 pretty cool. But I haven't seen H [REDACTED] since years.
12 So no, no, ma'am.

13 MS. WARD: I don't have any other questions.

14 Thank you.

15 THE COURT: Thank you.

16 Mr. Lehto?

17 MR. LEHTO: No.

18 THE COURT: Thank you.

19 Ms. Strigenz?

20 MS. STRIGENZ: I have no questions.

21 THE COURT: Thank you.

22 Mr. Lacera.

23 MR. LACERA: I don't have any questions.

24 THE COURT: Mr. Kreger, I skipped you. Do
25 you have any questions?

1 MR. KREGGER: No, Your Honor, I have no
2 questions.

3 THE COURT: Thank you, sir. You can step
4 down.

5 THE WITNESS: Yes, ma'am.

6 (Witness excused.)

7 THE COURT: Mr. Holzman, any additional
8 witnesses?

9 MR. HOLZMAN: None, Your Honor.

10 THE COURT: Okay. Thank you.

11 Mr. Lehto, were you planning on calling
12 any witness?

13 MR. LEHTO: My client.

14 THE COURT: All right. So Mr. W██████████,
15 it's going to be your turn to testify here. Mr. Lehto is
16 going to start out with the questions. If you could
17 please raise your right hand, and I'm raising mine.

18
19 C██████████ W██████████, called as a witness
20 herein on his own behalf, having been first duly sworn,
21 was examined and testified as follows.

22 THE REPORTER: I'm sorry, what did he say?

23 THE COURT: Could you say that again?

24 THE WITNESS: Yes.

25 THE COURT: Thank you. If you could please

1 start by stating and spelling your name.

2 THE WITNESS: C-██████████, C-██████████,
3 W-██████████, W-██████████.

4 THE COURT: Thank you.

5 Go ahead, Mr. Lehto.

6 MR. LEHTO: One quick question to the Court.
7 We are planning to adjourn at 3:00, correct?

8 THE COURT: We are.

9 MR. LEHTO: Okay, because I have other
10 matters scheduled. I wanted to make sure.

11 DIRECT EXAMINATION

12 BY MR. LEHTO:

13 Q Okay. Mr. W-██████████, where are you currently
14 incarcerated?

15 A Kenosha Correctional Center.

16 Q Okay. Can you tell me a little bit about what that
17 facility is like, the level of security, services,
18 what can you do there?

19 A It is a minimum community custody center that provides
20 opportunity for work release.

21 Q Okay. And will you be able to get work release?

22 A Yeah, I go to work July 11th, so just about a month
23 now.

24 Q Okay. That was July 11th, correct?

25 A (No response.)

1 Q Is that what you said, July 11th?

2 A Yes, that's correct.

3 Q Okay. And prior to that you were at Kettle Moraine,
4 correct?

5 A Correct.

6 Q And how did you get to a minimum security prison at
7 this point?

8 A Conduct, behavior, taking advantage of programs and
9 opportunities that that particular facility made
10 available for me.

11 Q Okay. You sort of earned your way there; is that
12 right?

13 A Correct.

14 Q Okay. And when is your release date?

15 A May of 2024.

16 Q I just want to talk about there had been earlier
17 testimony about conditions of return, and I know there
18 were some testimony that you didn't particularly agree
19 with; is that correct?

20 A Correct.

21 Q Right. And again, we're not challenging the -- the
22 grounds, but you wanted to have the Court understand
23 you have completed things toward the court order; is
24 that correct?

25 A That's correct.

1 Q And regarding-- There were some discussions about UAs
2 and whether you cooperated with that. Had you done
3 that?

4 A Yes. I've done that prior to incarceration and during
5 me being incarcerated. And I also signed a release
6 for each to tester to provide that information
7 directly to Lauren Miller and her agency.

8 Q Okay. And but her testimony didn't seem to reflect
9 that; am I correct?

10 A Correct I also emailed her my direct results for when
11 I was taking my random UAs, because due to employment,
12 I had to do a prescreening before I was hired. And
13 they actually -- I came up for a random one during my
14 employment that I also passed, and I emailed her
15 copies of both those results.

16 Q Okay. Just so people understand the time frame. That
17 was back when M [REDACTED] was detained. What year was
18 that?

19 A 2018.

20 Q Yes. Okay. That was when those results were
21 provided, correct?

22 A Correct.

23 Q Okay. And then you completed certain programs at
24 Kettle Moraine than that you forwarded to Ms. Miller?

25 A Correct.

1 Q What were those programs?

2 A I -- I'm sorry. I completed an extensive parenting
3 class, anger management, even domestic violence
4 classes I've completed. While I was there, I also did
5 my psychiatric evaluation, my AODA assessment and
6 needs were completed for drug and alcohol usage, and
7 counseling were completed as well there.

8 Q Okay. And so some of the testimony she provided
9 you're saying was incorrect in that you did complete
10 programs?

11 A Correct. And upon her testimony, I also had my social
12 worker email a copy of the completions and the
13 completion dates which range from late 2018 to
14 somewhere around the end of 2019. So those were
15 emailed again to her to reflect in her records as of
16 last court hearing.

17 Q Okay. Now, we'll stay on the period you're
18 incarcerated for. While you were at Kettle Moraine,
19 what efforts did you make to communicate with
20 Ms. Miller and set up lines of communication?

21 A I called Ms. Miller through, you know, our phone
22 system here, and she never accepted the call, which I
23 was paying for the call. So the only thing on her end
24 was for her to pick up the phone and press five. I
25 sent letters. I had family reach out to no avail. So

1 you know, I spoke with you when we went into court and
2 we actually had to have the judge order her to set up
3 email so we could communicate and have a paper trail,
4 if you will, of attempted communications that way.

5 Because like the mail was never
6 received, you know, phone calls, she just didn't get
7 them for some reason. So we had to go the to email
8 process so that we could create a paper trail on my
9 end to show that I am attempting to make that contact.

10 Q Is that email something through CorrLinks.

11 A That's correct.

12 Q And actually Ms. Kohnert testified that is what you
13 are going to be communicating with that with her as
14 well?

15 A Correct. I just received, actually during our first
16 part today received a conformation that she was -- she
17 had accepted the invite and set up the account. So I
18 returned -- I immediately sent her out an email which
19 she should have already.

20 Q Okay. And along the lines of communication-- Also
21 did you use the correction social worker to reach out
22 to the--

23 A Correct. Correct.

24 Q Okay.

25 A Yeah my social workers have emailed and made phone

1 calls to the social worker to Ms. Miller and her
2 supervisor.

3 Q so why were you trying to reach Ms. Miller all these
4 times?

5 A To set up visits. There was a big issue with visits
6 with M██████. You know, it was court-ordered
7 visitation, and then, you know, Lauren, Ms. Miller
8 told me that visits were supposed to be set up this
9 way. I'll set for an hour. And her thing on the hour
10 visit was from the time that that she pulled into the
11 parking lot of the correctional institution up until
12 that hour was over.

13 So if it took her 35 minutes to get in
14 the parking lot, get out of the car, get checked in,
15 make it inside the visiting room then that left, you
16 know, 25 or so minutes for a visit with my daughter.
17 And then that 25 minutes a month became very
18 inconsistent. Like I seen her in October, and then
19 our next schedule was December, and then that just
20 didn't happen because of vacations and holidays and so
21 forth. So the visits became real inconsistent.

22 Q You even at one point, or we, I guess, I could say, we
23 had to file motions in order to get you visitations?

24 A Correct. To, you know, actually enforce, first off,
25 the order that was in place, and then ask for more

1 time for the visits. If it was if the time towards my
2 hour was going to count from the time that she pulled
3 into the parking lot or including travel time, then,
4 you know, we were looking for, you know, more time.

5 At one point, I had a visit that lasted
6 seven minutes. She was there seven minutes and then
7 she had to leave and get M█████ dropped off because
8 she had other appointments. So, you know, I had to
9 reach out to you, and of course, we filed a motion to
10 go back in front of judge to ask for, you know, a
11 longer allotment of time for visits.

12 Q Okay. And this was something that was important to
13 you since the beginning of the case, am I right?

14 A Absolutely.

15 Q Okay. And why is it then, you're incarcerated, why is
16 it -- and you're going to be incarcerated for a while
17 -- why is it that you were so persistent in seeking
18 visitations?

19 A Well, M█████, of course, that's my child first and
20 foremost. And then she's so young, and I mean, it's
21 kind of like, you know, any human relationship that
22 you deal with. If I meet you today, and I don't see
23 you until six years from now, I'm going to forget who
24 you are. I'm not going to remember who you are. You
25 know, so trying to build that relationship and build

1 that bond with my daughter is more important to me
2 than anything.

3 Q Right. Now, let's just now go back in time a little
4 bit. M█████ is born and she lives with you; am I
5 right?

6 A Correct.

7 Q For how many months?

8 A From October until March of 2018.

9 Q Okay. So about four to four to five months, am I
10 right?

11 A Correct?

12 Q And you were living with Ms. M█████ at that time?

13 A Correct.

14 Q Now, was your family involved along the way,
15 pre-birth, at birth, after birth?

16 A Yeah, from the beginning. From the beginning when we
17 moved back, excuse me, when we moved back to
18 Wisconsin. My family was involved in, you know, the
19 whole pregnancy, doctor's appointments, even coming to
20 the hospital during the birthing process when B█████
21 gave birth to her.

22 And afterwards when B█████ returned
23 to work, it was my family who did the babysitting when
24 B█████ needed break and I was working. It was my
25 family who took care of the kids, not just M█████ but

1 all of the children.

2 Q Okay. So Ms. M█████ also had the other two children
3 we've been talking about, H█████ and C█████--

4 A Correct.

5 Q --living together with you?

6 A Correct.

7 Q Okay. And what family members from-- And were those
8 family members helping out even prior to M█████'s
9 birth?

10 A Yes.

11 Q Okay. And after M█████'s birth until removal, what
12 family members were doing the babysitting or placement
13 type situations?

14 A Well, M█████ was placed with T█████, and the thing
15 about it was, M█████ wasn't placed with T█████
16 through CPS. B█████ actually gave M█████ to
17 T█████ when she moved out of our home prior to CPS
18 being involved. And then once CPS, you know, became
19 involved a week or so later, then they officially made
20 that placement with M█████ and T█████.

21 But prior to since, you know, me and
22 B█████ started to date about a month afterwards,
23 my mom was assisting with taking care of H█████,
24 C█████, babysitting, having them over for
25 weekends, taking them to church, and this was

1 consistent where they was pretty much with her over
2 the weekends or, you know, over summer break up until,
3 you know, this whole incident happened, and I was
4 incarcerated.

5 Q Okay. And your mother's name, just for the record?

6 A (Indiscernible.)

7 THE REPORTER: I'm sorry, what was that?

8 THE COURT: Say that again.

9 THE WITNESS: E-██████, E-██████.

10 THE COURT: Okay. Great. This is probably
11 a good breaking point.

12 So Mr. W-██████, I'm sorry we have to
13 stop your testimony in the middle, but that's where we
14 will pick up on our next court. That next court date is
15 September 20th at 8:30 I believe we have the entire day.
16 Let me just confirm. Oh, just half a day. All right.
17 Sounds like we need to do some more scheduling.

18 Ma'am Clerk, let me turn on your
19 microphone. Say that again.

20 THE CLERK: Yeah, this hearing is set for
21 September 20th from 8:30 until 12:00. But we do have
22 September 22nd all day, September 23rd all day, and 24th
23 in the morning all are available.

24 MS. WARD: My understanding is that there's
25 a conference those days--

1 THE CLERK: There is.

2 MS. WARD: --that I will be going to.

3 THE COURT: Yeah, 22, 23, 24. That's why
4 we're having a hard time selling them. Do we think this
5 can get done in a half day?

6 MR. HOLZMAN: I don't know how many more
7 witnesses Mr. Lehto has. If he has more witnesses, then
8 it's argument. So I think we probably can.

9 THE COURT: So we also, Ma'am Clerk, I think
10 it looks like September 8th has opened up for some reason.
11 Does that match what you see?

12 THE CLERK: That's where we changed that all
13 day hearing on September 9th.

14 THE COURT: How's September 8th? I want to
15 give us a day and a half. I don't want to continue to
16 string this out.

17 MR. LEHTO: I think I left my calendar in
18 the hallway. I'll have to go look.

19 THE COURT: Sure. Go grab it.

20 Why don't we go off the record for
21 scheduling.

22 (Off the record.)

23 THE COURT: Back on the record. I hope we
24 won't need it, but we set the afternoon of October 27th
25 from 1:30 to 5:00 just in case we need that. But as I

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said, our next immediate court date is September 20th at 8:30, again in this courtroom. Okay. Thanks everybody.

(Whereupon, the proceedings were concluded at 3:02 p.m.)

* * * * *

A P P E A R A N C E S:

CHARLES KREGER, Assistant District Attorney, appeared on behalf of the State of Wisconsin.

MICHAEL HOLZMAN, Attorney at Law, appeared on behalf of the father, J [REDACTED] C [REDACTED]. The father was not present.

JULIAN LACERA, guardian ad litem.

GRACE TRESSLER, guardian ad litem intern.

CHERYL WARD, Attorney at Law, appeared on behalf of the mother. The mother was present by phone.

LAURA FLEMING, case manager.

1 MS. STRIGENZ: Debra Strigenz on behalf of
2 C██████ J██████, the father of H██████, who is not
3 present.

4 MS. WARD: Attorney Cheryl Ward appears on
5 behalf of the mother, B██████ M██████. She sent
6 me an e-mail very early this morning saying that she
7 was ill and wouldn't -- couldn't make it here today.
8 I have sent her an e-mail back with the zoom
9 information for the court this morning, and I'm
10 trying to call her, but it went to voicemail.

11 THE COURT: Okay. Thank you. And it looks
12 like the guardian ad litem intern has just joined us
13 by zoom. If you could please unmute and make your
14 appearance?

15 MS. TRESSLER: Grace Tressler.

16 THE COURT: All right. Good morning to
17 everyone. And we need the case manager's
18 appearance.

19 MS. FLEMING: Laura Fleming, case manager, with
20 Children's Wisconsin.

21 THE COURT: Good morning. So we are here for
22 the continuation of the disposition. I have
23 reviewed the transcripts prior to the hearing.

24 I think Mr. J██████ was in default last
25 time, and he would remain in default.

1 Ms. M [REDACTED] is not yet here. I'm going to
2 give her a minute given the circumstances that have
3 developed.

4 And, Mr. Holzman, I understand your client
5 is on the way. So I'll give him a minute as well.

6 I guess I should ask who intended to call
7 the next witness?

8 MR. KREGGER: I don't recall exactly where we
9 left off. I don't remember if Mr. C [REDACTED] was last to
10 testify. Then I don't know if there were more
11 witnesses after that.

12 MR. HOLZMAN: We were finished, Your Honor. I
13 believe Mr. Lehto has witnesses he'd wanted to call.

14 MR. LEHTO: No. We had called ours previously.

15 THE COURT: All right. I know Ms. M [REDACTED]
16 testified.

17 Ms. Ward, you didn't have any other
18 witnesses for her, correct?

19 MS. WARD: No. I have all our witnesses
20 previously testify. Mr. M [REDACTED] and the other family
21 members have already testified.

22 THE COURT: Okay. So actually it looks like
23 the parents then have completed their witnesses if I
24 understand that correctly.

25 MR. LEHTO: Yes, ma'am.

1 MS. WARD: That's correct.

2 THE COURT: I wasn't one hundred percent clear
3 when he'd finished last time, but I appreciate that
4 clarity. So then the parents rest.

5 Mr. Kreger, would you like to offer some
6 rebuttal testimony?

7 MR. KREGER: Yes, Your Honor. I'd just call
8 the current ongoing case manager for an update.

9 THE COURT: Sure. Come on up. Please raise
10 your right hand.

11

12

13 LAURA FLEMING, called as a witness herein,
14 after having been first duly sworn, was examined and
15 testified as follows:

16 THE COURT: Thanks. Have a seat.

17 THE WITNESS: (Witness complies.)

18 THE COURT: And actually before we start I
19 guess we should talk more about the missing parents.
20 So it's nine -- it's quarter to nine. Obviously,
21 Mr. C█████ is late. I'm not finding him in default
22 yet because I accept the representations that he's
23 just late rather than not coming.

24 In terms of Ms. M█████ I'm not sure what
25 to make of her absence.

1 I guess maybe I would ask, Mr. Holzman, do
2 you want me to wait with his testimony until Mr.
3 C█████ arrives? Do you feel like you can adequately,
4 you know, represent him while we are all waiting?

5 MR. HOLZMAN: I probably could, Your Honor, but
6 I prefer to have him present. He's coming.

7 THE COURT: All right. And, Ms. Ward, how
8 about you?

9 MS. WARD: All I have is that she would like to
10 be here by zoom if not in person. She's ill. She
11 asked to be present by zoom. I just sent her the
12 zoom information before court, but I guess I'm just
13 not sure based on the fact that I don't know how ill
14 she is.

15 THE COURT: So maybe we should do this. Maybe
16 we should just pause. Why don't we wait a little
17 bit before nine. Let's just see how these things
18 develop so we don't sort of be in a hole.

19 So it's quarter to nine. Why don't we
20 just go off the record for ten minutes, and then
21 five to nine we'll check in. If Ms. Fleming, I
22 apologize, you can take a seat.

23 MR. LEHTO: Judge, in this ten minutes if I can
24 talk to Mr. W█████. His social worker was out of
25 the office most of the last two weeks, and we

1 weren't able to set up a phone call in advance of
2 this.

3 THE COURT: So where would you have to go to
4 get privacy to do that?

5 MR. LEHTO: I'm trying to remember in the
6 courtroom before. We can take a break. I have
7 phone number.

8 THE COURT: I don't really want to have
9 everybody leave. It's just a ten minute break.

10 MR. W██████████: What about a breakout room?

11 THE COURT: But I can't. Mr. Lehto can't
12 disappear. He's live.

13 MR. LEHTO: But I can walk out of here.

14 MR. W██████████: Yeah.

15 THE COURT: Sure. If you want to go to the
16 hall on your phone AND join the meeting on your
17 phone, I would give you ten minutes to do that.

18 MR. LEHTO: So let's do that.

19 THE COURT: Okay.

20 MR. LEHTO: Go on zoom by zoom.

21 THE COURT: All right. We're off the record.

22 Actually, Mr. W██████████, I'll create a
23 breakout room for you while we're waiting for the
24 other parents to join us this morning. Here he
25 comes. Mr. Lehto you should probably go out in the

1 hall. I'll create that breakout room.

2 MR. LEHTO: Great. Thank you.

3 THE COURT: Yup. All right. We're off the
4 record.

5 (Recess taken.)

6 THE COURT: All right. Let's go back on the
7 reported. Ms. M [REDACTED] has successfully joined us by
8 zoom. I did verify that she can see and hear us.
9 She does not have her camera on, but I am assuming
10 that's because she doesn't feel great and just would
11 prefer to have that privacy. That's okay with me
12 unless there is any objection from anyone else.

13 The record should also reflect that Mr.
14 W [REDACTED] is back as is Mr. Lehto.

15 Mr. Holzman, any update from Mr. C [REDACTED]?

16 MR. HOLZMAN: No. I talked to him about 8:15.
17 He said he was on the way. Then I've called him
18 back several times after that.

19 THE BAILIFF: He's here. I just wanted to
20 check.

21 THE COURT: He can come in.

22 THE BAILIFF: Okay.

23 THE COURT: Thanks, deputy. All right. Just a
24 reminder that everyone really needs to use the
25 microphones consciously not only for the court

1 reporter but Mr. W [REDACTED] who won't be able to hear
2 you if you're not using your microphone.

3 Good morning, Mr. C [REDACTED]. You can have a
4 seat next to Mr. Holzman.

5 All right. Ms. Fleming, you can come back
6 and take a seat. The oath has already been
7 administered.

8 THE REPORTER: State your name for the record.

9 THE WITNESS: Laura, L-A-U-R-A. Last name
10 Fleming, F-L-E-M-I-N-G.

11 THE COURT: Thank you. Go ahead, Mr. Kreger.

12 MR. KREGER: Thank you.

13

14 DIRECT EXAMINATION

15 BY MR. KREGER:

16 Q Ms. Fleming, where are you employed?

17 A Children's Wisconsin.

18 Q And what is your position there?

19 A I am a child welfare case manager.

20 Q And how long have you been a case manager for?

21 A A little over six years.

22 Q And are you the case manager assigned to C [REDACTED]
23 M [REDACTED], H [REDACTED] J [REDACTED], and M [REDACTED] W [REDACTED] case?

24 A I am.

25 Q And how long have you been assigned to their cases

1 for?

2 A Actively, I've been involved in the case about three
3 weeks. I was assigned to the case the beginning of
4 August. However, I've been out of the office for
5 awhile afterwards.

6 Q And when you are first assigned the case, do you
7 have a transfer conference with the prior case
8 manager?

9 A Yes.

10 Q And at that time what were the safety concerns for
11 the issues that were identified to you?

12 A Sure. There was issues regarding stability with the
13 parents. There was issues regarding Ms. M██████ not
14 participating in UAs and with the parents not
15 participating in consistent visitation overall.

16 Q And in regards to Ms. M██████ did she begin UAs?

17 A She has started participating in some UAs.

18 Q When did that start?

19 A I would say when I got the case, she was already
20 started to participate in that for about one week.
21 However, there were some issues with AMRI that were
22 not assisting with that.

23 Q So that's something that had started within, I
24 guess, a month or two before today?

25 A That is correct.

1 Q And were there any other services or issues that you
2 were trying to engage Ms. M[REDACTED] in?

3 A Yes. I know Ms. M[REDACTED] was attempting to engage in
4 individual therapy. She had several requests for
5 therapists. However, releases have not been signed
6 up to this point to get updates on that service.

7 Q And how is your ability to contact Ms. M[REDACTED] been?

8 A There have been quite a bit of phone number changes.
9 It's been best to communicate through e-mail thus
10 far.

11 Q And have you been able to successfully communicate
12 with Ms. M[REDACTED] by e-mail?

13 A We were able to get in touch via phone after
14 communicating by e-mail.

15 Q So when did that-- I guess when you were able to
16 get in touch with her by e-mail and then by phone?

17 A That was two weeks ago.

18 Q And I guess what was the barrier to getting in touch
19 with her by phone?

20 A The numbers that I was provided with were out of
21 service.

22 Q In regards to-- And with Ms. M[REDACTED]-- So she has
23 visitation set up, correct?

24 A That is correct.

25 Q Has she been consistent in visitation?

1 A Since I've been on the case there have been, I
2 believe, three visits missed.

3 Q And in regards to Mr. C [REDACTED]?

4 THE COURT: Hold on. I apologize. Before you
5 go on from the mother I don't know what it means to
6 say that she had issues. That doesn't mean anything
7 to me.

8 THE WITNESS: AMRI stopped contracting with
9 Children's Wisconsin and was going through primary
10 insurance only which was the concern that resulted
11 in her only being allowed to do one UA per week
12 until we got that resolved. I had offered to send a
13 letter to PSG. However, Ms. M [REDACTED] was adamant that
14 AMRI was the place she'd wanted to work with.

15 Q And so has Ms. M [REDACTED] been consistent in the UAs?

16 A Overall I would say no.

17 Q And do you mean that overall since you were the case
18 manager or overall since throughout the entire case?

19 A Overall through the case she's been inconsistent.

20 Q Since you're the case manager would you say she's
21 been consistent?

22 A She's missed a couple of UAs. However, I can't
23 speak directly to the issues we were having with
24 AMRI. I can't say whether she would have gone to
25 more if she was allowed to.

1 THE COURT: Thank you. Yup.

2 Q (By Mr. Kreger) And so in regards to Mr. C [REDACTED] what
3 concerns do you have in regards to Mr. C [REDACTED] since
4 you've been assigned the case?

5 A Sorry. Mr. C [REDACTED]-- I apologize.

6 THE COURT: Do you need a drink of water?

7 THE WITNESS: That okay.

8 THE COURT: Okay. Go ahead.

9 THE WITNESS: Sorry. Mr. C [REDACTED], there has been
10 issues with visitation as of late. Mr. C [REDACTED] has
11 been having phone visitation, and during those phone
12 calls which are not very frequent as of recent he
13 has been discussing things that were not appropriate
14 for conversation and upon being asked to redirect
15 those topics would not do so. So conversations had
16 to be ended.

17 Q (By Mr. Kreger) And phone visits are through the
18 foster parents?

19 A That is correct.

20 Q And so when inappropriate things have been said, the
21 foster parent had to end the visits?

22 A That is correct.

23 Q With Mr. J [REDACTED] he's not present, but how
24 frequently has he been having visits?

25 A Those visits will also be very infrequent, and the

1 communication is by phone now.

2 Q And that had to be moved to phone because of an
3 incident where Mr. J█████████ was alleged to have
4 sexually assaulted, I guess, a supervision worker?

5 A That is correct.

6 MS. STRIGENZ: Objection. Leading.

7 THE COURT: Sustained.

8 Q (By Mr. Kreger) And why were those visits moved to,
9 I guess, virtually supervised?

10 A Sure. There was allegations that Mr. J█████████ had
11 grabbed the visitation worker's hips and attempted
12 to kiss her and was saying sexually inappropriate
13 comments.

14 Q With Mr. W█████████, was there any contact with him?

15 A No.

16 Q Do you know if Mr. W█████████ has had any visits with
17 M█████████?

18 A The visits that were set up, I know that since I was
19 assigned to the case the visit was missed. He did
20 not visit.

21 Q And do you know any reason why that he wasn't able
22 to visit?

23 A No.

24 MR. KREGER: I don't think I have any further
25 questions, Your Honor.

1 THE COURT: This is the witness that's going to
2 update the Court on how H■■■■■■'s doing and her
3 relatively new placement?

4 MR. KREGER: Oh, I can ask questions.

5 THE COURT: Yeah. I think that happened right
6 around the time of our last hearing. So I don't
7 think there is any evidence pertaining to that
8 placement.

9 MR. KREGER: Okay. Yeah. There were-- There
10 was some questions related to her according to my
11 notes, but I can ask further questions.

12 THE COURT: Well, there may have been some
13 general questions, but our last hearing was
14 June 3rd, and that's the day I signed the change of
15 placement order.

16 MR. KREGER: Thank you. It's appropriate to
17 ask follow up.

18 Q (By Mr. Kreger) Ms. Flemming, so H■■■■■■ is placed
19 with C■■■■■■ J■■■■■■?

20 A That's correct.

21 Q And how is H■■■■■■ related to Ms. J■■■■■■?

22 A She's the paternal aunt.

23 Q And so, I mean, how has H■■■■■■ been doing in that
24 placement?

25 A She's doing well. She's adjusting. I know Ms.

1 J█████ is working hard on having her be a child.
2 She does have in-home therapy once per week, and
3 they're working on getting that to twice a week
4 which has helped a lot with the integration into the
5 home. However, overall she is doing very well.

6 Q And as far as permanency, what is Ms. J█████'s plan
7 in regards to H█████?

8 A Ms. J█████ is being licensed to adopt.

9 Q And if the Court does grant the TPR petition in
10 regards to H█████, do you believe that there is--
11 I'm sorry. I forgot how I was phrasing my question.
12 One moment. Oh, I'm sorry. Is it likely that
13 H█████ will be adopted by Ms. J█████?

14 A Yes.

15 MR. KREGER: I have no further questions.

16 THE COURT: So I need some more questions. So
17 my understanding from our last hearing was that
18 H█████ suffered some really significant behavioral
19 issues. That caused her to have to leave not one
20 but perhaps even two placements, and there is a lot
21 of issues with other children in the home.

22 My recollection is is that Ms. J█████'s
23 children are older, but I guess I could use some
24 more information. So I really need some more
25 information on her and this placement.

1 Q (By Mr. Kreger) Okay. So obviously have heard
2 everything--

3 A Yes.

4 Q --the Court has said? Can you please provide more
5 information on H■■■■■■'s interactions with her, I
6 guess, foster siblings in the home?

7 A Sure. So Ms. J■■■■■■ has been -- unless the
8 children are fully supervised they're not able to be
9 alone playing. I know there was a concern with, you
10 know, the boys rough housing and H■■■■■■ wanting to
11 play and getting upset with that. So basically
12 unless the children are being fully supervised
13 together they're separated at this time.

14 Ms. J■■■■■■ is fully participating in the
15 therapy sessions. There is in-home therapy, and
16 they're working on things such as boundaries with
17 the children. The therapists have also even spoken
18 to Ms. J■■■■■■'s children about boundaries and
19 H■■■■■■ coming into the home.

20 Ms. J■■■■■■ did set up and has scheduled a
21 full psychosocial assessment. However, we were
22 unable to get those consents signed in time. So
23 that did not occur. However, she still has the
24 second appointment scheduled. There are hopes that
25 we can go through with that.

1 Q And how is H■■■■■■'s mental health?

2 A I would say since I got the case from when it was
3 transferred to me it has improved. However, it's
4 clear she does still suffer with some mental health
5 concerns.

6 THE COURT: How hold are Ms. J■■■■■■'s
7 children?

8 THE WITNESS: Ms. J■■■■■■ has a younger child
9 who is, I believe, a little over one year old, and
10 then she does have two children that are older than
11 H■■■■■■. I don't know the exact ages. They are
12 closer to age to H■■■■■■, though.

13 THE COURT: And how is H■■■■■■ doing in
14 school? Do you know?

15 THE WITNESS: So far H■■■■■■ is doing fine in
16 school. They did want to set up therapy sessions to
17 occur in the school as well so that she could have
18 some assistance while on the campus there, if
19 needed.

20 THE COURT: And do you know if she has an IEP?

21 THE WITNESS: She does.

22 THE COURT: How far along into the licensing
23 process is Ms. J■■■■■■?

24 THE WITNESS: The last time I'd checked she
25 still had some paperwork to submit, but she had

1 completed some of the major things such as
2 submitting like the fingerprint request and items --
3 other items that were needed.

4 THE COURT: And I assume before H [REDACTED] even
5 came into her home she had a clear background check?

6 THE WITNESS: Yes.

7 THE COURT: Any red flags for her getting
8 licensed to adopt?

9 THE WITNESS: No. She's cleared to be licensed
10 to adopt.

11 THE COURT: Okay. That's all questions I have.
12 Anything further, Mr. Kreger?

13 MR. KREGER: No, Your Honor.

14 THE COURT: Mr. Lacera, any questions?

15 MR. LACERA: Not for this witness.

16 THE COURT: Okay. Thank you. Ms. Ward, you
17 were going first. Any questions for this witness?

18 MS. WARD: Yes. Thank you.

19

20 CROSS-EXAMINATION

21 BY MS. WARD:

22 Q Ms. Fleming, AMRI was an agency that did UAs for
23 Children's, correct?

24 A That's correct.

25 Q And at this point in time they're no longer

1 contracted with Children's?

2 A That is correct. As of, I believe, about a month
3 ago.

4 Q So Ms. M [REDACTED] is allowed to do one UA through AMRI
5 per week; is that correct to say?

6 A That's correct. Through AMRI.

7 Q Oh, that has to go through her insurance?

8 A If she decides to stay with AMRI, it will have to go
9 through insurance.

10 Q So if she doesn't have insurance that wouldn't be
11 paying for it, she wouldn't be able to do that,
12 correct?

13 A That would be her choice to not move to a different
14 UA agency. I did offer to move her to be PSG.
15 However, she stated that was too far away from the
16 home.

17 Q So PSG's the only other agency that you can do UAs
18 through?

19 A Right now it is. I know they are working on
20 contracting through another agency right now.
21 Losing AMRI was not an expected thing for
22 Children's.

23 Q And what location can she go for PSG? Is it one
24 location, or is it multiple locations?

25 A It's one location right now.

1 Q Where is that location?

2 A That's in West Allis.

3 Q So that may not be convenient for a parent if they
4 are working, correct?

5 A Correct.

6 Q Because PSG actually is only opened certain hours,
7 correct?

8 A Yes. Yes.

9 Q Do you know what those hours are?

10 A I believe they're open from eight to seven.

11 THE COURT: Eight to seven as in one hour?

12 THE WITNESS: Eight a.m. to seven p.m.

13 THE COURT: That's more than an hour.

14 THE WITNESS: Oh, I don't know.

15 THE COURT: I think she said -- she asked if
16 they're only open for an hour, and you said yes.

17 MS. WARD: No. I'm sorry, Judge. I asked her
18 if she knew what hours they were open.

19 THE COURT: Okay. Sorry. I misheard you. I
20 apologize. Thank you. Go ahead, Ms. Ward.

21 MS. WARD: Thank you.

22 Q (By Ms. Ward) So if someone doesn't have a car,
23 they'd have to use bus transportation to get there
24 after work if they had to work, correct?

25 A Yes.

1 Q Those hours are not convenient for Ms. M■■■■■; is
2 that correct to say?

3 A They might not be.

4 Q You'd talked about therapy starting for Ms. M■■■■■
5 and said that specific releases needed to be signed.
6 What did you mean by that? Has she started therapy?

7 A I am unsure whether she's started with the new
8 agency.

9 Q Did you refer her to a new agency?

10 A Myself, no. The previous case manager did.

11 Q What agency was that?

12 A I wouldn't be able to say exactly which one it was.
13 I would have to check my notes.

14 Q But suffice it to say you haven't connected with
15 that agency at all, correct?

16 A No. I would have to get the releases signed before
17 I can reach out to other agencies.

18 Q So can you send Ms. M■■■■■ a release?

19 A On the case transfer it was stated that Ms. M■■■■■
20 was sent a release to sign. It was not returned.

21 Q Did you send Ms. M■■■■■ a release?

22 A No.

23 Q Have you spoken to Ms. J■■■■■ personally about
24 whether -- about transfer of guardianship and
25 adoption?

1 A Yes. I met with Ms. J [REDACTED] with the licensing
2 worker.

3 Q And how long has H [REDACTED] been with Ms. J [REDACTED]?

4 A I believe it's been four months approximately.
5 Maybe five.

6 Q And is H [REDACTED] in the correct grade she's suppose
7 to be in or was she held back?

8 A They did actually place her in the correct grade
9 this year. There was a concern she would be held
10 back, though.

11 Q Why wasn't she held back?

12 A The school had made the decision that they would be
13 able to move her forward into the correct grade.

14 Q And do you have updates about how she's doing in
15 school?

16 A The first few weeks of school she has been doing
17 well, and I know with integrating the therapist the
18 school looking forward to hopefully get on board as
19 well.

20 Q Do you know how often since H [REDACTED] has been with
21 Ms. J [REDACTED] that she's had visits with her siblings?

22 A Since she's been with Ms. J [REDACTED] I know that she
23 had an overnight visit on at least one occasion
24 since I've been the case manager as well as the day
25 visits.

1 Q Where was that overnight visit at?

2 A The foster parents of the other siblings.

3 THE COURT: Just to interject briefly. Mr.
4 W██████████, are you still there? We can't see you.
5 Okay. Got it. Good. He was just leaning back.
6 Thank you, sir. Go ahead, Ms. Ward.

7 Q (By Ms. Ward) There was also some concerns about
8 sexual discussion of H██████████ with the other
9 children in Ms. J██████████'s home?

10 A Yes. I know that was something that was reported
11 prior to meeting and getting the case. They did
12 have the therapist come in and discuss boundaries
13 with the children including Ms. J██████████'s own
14 children.

15 Q And is that another reason why the kids cannot be, I
16 guess, together without supervision?

17 A She didn't explicitly state that, but it's possible
18 that's one of her reasons.

19 Q Did you-- Isn't it true to say that Mr.

20 A██████████'s visits with Ms. M██████████'s other
21 children, F██████████ and A██████████, that they have moved
22 to partially unsupervised visitation?

23 A Yes.

24 MR. LACERA: I would object to questions about
25 Mr. A██████████ and his visits.

1 MS. WARD: Correct. It's based on-- I thought
2 this was an update. So I was asking about updates.
3 I'd previously asked about his visitations with the
4 prior case workers about the other children.

5 THE COURT: Okay. I mean, that limited
6 question I'm fine with. That's fine.

7 MS. WARD: I don't have any other questions,
8 Judge.

9 THE COURT: All right. Thank you.

10 Mr. Holzman, any questions for this
11 witness?

12 MR. HOLZMAN: Yes, I do I have.

13
14 CROSS-EXAMINATION

15 BY HOLZMAN:

16 Q Ms. Fleming--

17 A Yes.

18 Q --how long have you been on the case?

19 A Actively about three weeks.

20 Q Okay. So most of what you've testified today are
21 things that the prior worker wrote in her notes. Is
22 that safe to say?

23 A Yes.

24 Q So you don't have really-- You've never seen

25 C [REDACTED] with Mr. C [REDACTED]?

1 A No.

2 Q Never attend a visit?

3 A No.

4 Q And the only input is the from the notes of Ms.
5 Kohnert and your conversations that you had with the
6 foster parents?

7 A Yes.

8 Q You ever talk to C [REDACTED] about how she relates to
9 her father?

10 A How she relates to him?

11 Q Does she like the visits with him? Does she enjoy
12 having phone calls with him? That kind of thing?

13 A I've asked her about visitation. At the time I
14 spoke to her last the call had not occurred for
15 quite some time, but she did say she enjoys speaking
16 with him.

17 Q So the conversations with the visits whenever they
18 take place have been positive at least in her
19 opinion?

20 A Yes.

21 Q Okay. Isn't it correct-- Now, you'd mentioned
22 there as some phone calls terminated by the foster
23 parents?

24 A That's correct.

25 Q And that had nothing to do with him saying something

1 live with me take? I want to take custody of you,
2 or anything like that, did it?

3 A They had stated that they felt that was
4 inappropriate as well as other questions.

5 Q But there was nothing about what I'd just mentioned
6 that he was trying to say either live with me or
7 anything like that?

8 A That is what they'd stated. That he was stating you
9 come live with me.

10 Q Well, I'm going to draw your attention to one of
11 these notes. It's on page 7967 of the discovery.
12 It is a note from Ms. Kohnert. I'm going to read it
13 to you to see if it refreshes your recollection.

14 "Foster parents stated -- shared that
15 during those calls they have never talked about
16 where she wants to live. She does not like the
17 foster home." Does that refresh your recollection
18 about the fact that they did not?

19 THE COURT: So hold on, Mr. Holzman. She
20 didn't testify that she couldn't remember. So I
21 don't think this is refreshing. I guess it would be
22 impeachment, but she never testified she couldn't
23 remember something.

24 MR. HOLZMAN: Okay.

25 Q (By Mr. Holzman) I'm going to refer you to-- Well,

1 have you reviewed the notes that Ms. Kohnert
2 prepared concerning this?

3 A Yes. When I'd testified, what is what has happened
4 since I've been on the case.

5 Q Okay. So you're saying that you have some foster
6 parents that have changed their tune and said that
7 now he's saying something?

8 A They have stated that they've terminated a phone
9 call which was, I believe, two weeks ago now in
10 which that was being stated.

11 Q Wasn't that stated concerning the mother being
12 pregnant or not?

13 A That was an additional call from the week prior.

14 Q But you've provided no notes or logs that indicate
15 that at least to the defense or to the State?

16 A I have. It's possible. That's because September
17 discovery doesn't come until October. I may not
18 have submitted it.

19 Q Okay. Mr. C█████ has had a difficult time getting in
20 touch with the foster parents and C█████; is
21 that safe to say?

22 A Not that he's reported to me, but it's possible.

23 Q Okay. Isn't it correct that Mr. C█████ has told Ms.
24 Kohnert that when he calls at certain times, he is
25 told by the foster parents that C█████ is not

1 available? She's at camp. She's asleep. She's
2 other things. That she's not available?

3 A I heard that in the notes. Yes.

4 Q Okay. And he's requested because of the difficulty
5 in contacting C [REDACTED] that you set up some
6 visitation, correct?

7 A Correct. I sent a referral for visitation.

8 Q Okay. And how long ago was that sent?

9 A When we spoke on the phone. I believe about two
10 weeks ago.

11 Q And nothing's been set up yet?

12 A I'm not sure if Family Options has reached out
13 directly yet.

14 Q Okay. So he's not having any visitation even though
15 he's requested it and C [REDACTED] would like to see
16 him?

17 A Not at this time.

18 Q As to other relatives of Mr. C [REDACTED], the grandmother
19 and the great grandmother, have you had any
20 conversation with them concerning C [REDACTED] and
21 what she wants to do and visits with them?

22 A I have not spoken to them.

23 Q But are you aware that the grandmother wants to be
24 adoptive resource for C [REDACTED]?

25 A I don't recall that being the discussion during the

1 case transfer.

2 Q Okay. So in other words there was no discussion
3 about having the family member be the adoptive
4 resource for C [REDACTED] when you got the case
5 transferred from Ms. Kohnert?

6 A No.

7 Q Okay. Isn't it correct that Ms. -- that the child
8 is still having visits with the grandmother at least
9 twice a month?

10 A She is still having visits.

11 Q And that's including the grandmother and the mother
12 and the sister and her aunts; isn't that correct?

13 A I'm only aware of the grandmother.

14 Q Okay. And those visits have been positive?

15 A They're reported positive. Yes.

16 Q And C [REDACTED] enjoys those visits?

17 A Yes.

18 Q And C [REDACTED] does have some-- Ss she seeing a
19 therapist?

20 A I'm not aware if she's currently seeing a therapist.

21 MR. HOLZMAN: Okay. That's all I have. Thank
22 you.

23 THE COURT: Thank you. Mr. Lehto, any
24 questions for this witness?

25 MR. LEHTO: Yes.

CROSS-EXAMINATION

1
2 BY MR. LEHTO:

3 Q M█████ is placed with--

4 THE COURT: So I don't think, Mr. W█████ can
5 probably hear you. Tap that microphone again.

6 MR. LEHTO: (Mr. Lehto complies.)

7 THE COURT: All right. Pull it a little closer
8 maybe.

9 MR. LEHTO: Okay.

10 THE COURT: Mr. W█████, can you hear Mr.
11 Lehto? He's got a thumbs up. Yup.

12 MR. LEHTO: Excellent.

13 THE COURT: Super. Thank you.

14 Q (By Mr. Lehto) Okay. So what children are
15 currently placed with the S█████s?

16 A C█████, M█████, M█████, and F█████.

17 Q Okay. And H█████ had been placed there, correct?

18 A That's correct.

19 Q Okay. And you've been on the case for three weeks.
20 Have you had a chance to see M█████ in the home?

21 A Yes.

22 Q We've talked about some issues with some of the
23 other children. Does M█████ have any known mental
24 health, developmental, or educational needs at this
25 time?

1 A The foster parents have reported M■■■■'s doing well
2 in the home.

3 Q Okay. But do you know-- That doesn't really answer
4 the question. Does she have any known needs for
5 therapy or otherwise? Educationally? Mental
6 health?

7 A Not at this time.

8 Q Okay. And you said for Mr. W■■■■ there is a
9 visit set up. That he didn't go to it for some
10 reason. Was that visit set up during the three
11 weeks you were on the case?

12 A I believe that would have been right before I was
13 transferred on to the case.

14 Q Okay. And where is Mr. W■■■■ right now?

15 A I believe Kenosha Correctional.

16 Q Have you talked to him since you've been on the
17 case?

18 A I've made attempts and sent a message through
19 CorrLinks but not via phone.

20 Q Okay. And in speaking to the S■■■■s have they
21 indicated a willingness to allow the -- well, like
22 Mr. W■■■■ or other relatives to have contact with
23 M■■■■ in the future if there is an adoption?

24 A I'm not aware of their desire for that. No.

25 Q Okay. Have you had asked them?

1 A Not in the last three weeks. No.

2 Q Okay. You've never asked them in other words,
3 correct?

4 A No.

5 Q Okay. And with the two boys there, F [REDACTED] and
6 A [REDACTED], I know that question was asked about
7 whether the father was seeing the two children,
8 correct?

9 A Correct.

10 Q There is still a CHIPS case; am I right?

11 A That's correct.

12 Q And so there is a potential that those two children
13 could be moved home or maybe placed with a relative;
14 am I correct?

15 A Sure. It's possible.

16 Q Okay. In which case the only sibling that M [REDACTED]
17 would be with is C [REDACTED]; am I right? If those
18 two boys through the CHIPS case change placement, we
19 already know H [REDACTED] is in another placement,
20 M [REDACTED]'s the only relative-- M [REDACTED] would be with
21 her sister, C [REDACTED]?

22 A That's correct.

23 Q Okay. And in your review of the file you've seen
24 that Mr. W [REDACTED]' family has actually had placement
25 of M [REDACTED] early on but also has expressed interest

1 in placement throughout the case?

2 A That was noted.

3 Q Okay. In fact, B■■■■ M■■■■ filed a change of
4 placement with the CHIPS. The Court denied that.
5 You saw that I'm sure, correct?

6 A Yes.

7 Q Okay. And just one other question. Have you talked
8 to or considered any relatives on Mr. W■■■■' side
9 for placement of M■■■■?

10 A Additional relatives other than the ones that have
11 been investigated, no.

12 MR. LEHTO: Okay. No further questions.

13 THE COURT: Thank you. Ms. Strigenz, any
14 questions?

15 MS. STRIGENZ: Yes, ma'am. Just briefly.

16

17 CROSS-EXAMINATION

18 BY MS. STRIGENZ:

19 Q Ms. Fleming, you've indicated that H■■■■, of
20 course, is with Ms. J■■■■, the maternal aunt,
21 correct?

22 A Correct.

23 Q And she has been with Ms. J■■■■ since
24 approximately June 8th of 2021 of this year,
25 correct?

1 A Yes.

2 Q That she has been with Ms. J [REDACTED] since June 8th of
3 2021?

4 A That's correct.

5 Q So approximately three months?

6 A Yes.

7 Q And you had the ability to interview Ms. J [REDACTED] on
8 how things are going?

9 A Yes.

10 Q And it's your testimony today that things are
11 progressing well?

12 A That is what she has reported.

13 Q And do you believe that that is the case?

14 A From what I was observing there yes.

15 Q Have you had the opportunity to meet with H [REDACTED]
16 since you began your involvement with this case?

17 A Yes.

18 Q Only three weeks?

19 A Yes.

20 Q And what has H [REDACTED] indicated to you as to her
21 reactions to placement with her paternal aunt?

22 A H [REDACTED] states that she enjoys being there.
23 H [REDACTED] at times will get sad and state that she's
24 confused, though, and doesn't know what she wants.

25 Q Now, what do you mean by that?

1 A She at times will bring up visitation with her
2 mother, and she wants to go see her mom and not
3 knowing where she's going to be able to stay long
4 term.

5 Q Now, it is your thought process on behalf of
6 Children's that Ms. J [REDACTED] is going to be a long
7 term placement for H [REDACTED]?

8 A Yes.

9 Q And, in fact, you've testified today that Ms.
10 J [REDACTED] is filling out the appropriate paperwork to
11 accomplish that?

12 A Yes.

13 Q And have you testified today that Children's
14 Hospital or excuse me Children's wishes that this
15 stability or this long-term placement be done
16 through Ms. J [REDACTED] adopting H [REDACTED]?

17 A Correct.

18 Q Has Ms. J [REDACTED] indicated that she would also be
19 willing to do a guardianship of H [REDACTED]?

20 A Guardianship has been discussed. She was willing to
21 do either. However, it was discussed that adoption
22 would be more permanent for H [REDACTED].

23 Q And who'd indicated that adoption would be more
24 permanent for H [REDACTED]? That was not indicated by
25 Ms. J [REDACTED], correct?

1 A I don't think she'd stated those words, that they
2 would be more permanent. However, in the discussion
3 it was discussed and she'd agreed that adoption
4 would be better than guardianship for H██████████.

5 Q But, in fact, that suggestion of adoption was
6 brought up by either yourself or somebody else from
7 Children's, correct?

8 A Yeah. We always discuss both.

9 MS. STRIGENZ: Okay. I have no further
10 questions, Judge.

11 THE COURT: Thank you. Any redirect?

12 MR. KREGER: No, Your Honor.

13 THE COURT: All right. Thank you, Ms. Fleming.
14 You can step down.

15 (Witness excused.)

16 THE COURT: Any additional rebuttal evidence
17 for the State?

18 MR. KREGER: No, Your Honor.

19 THE COURT: All right. Then at this point I
20 think evidence is closed.

21 Mr. Kreger do you want to make closing
22 arguments?

23 MR. KREGER: Yes, Your Honor. Just briefly.

24 MR. W██████████: Can I speak to my attorney,
25 please?

1 THE COURT: Yes. Sure. Why don't WE take a
2 quick break to allow Mr. W██████████ and Mr. Lehto to
3 have a breakout room. It is 9:35. Why don't we
4 resume at ten minutes to ten. We'll take a
5 fifteen minute break.

6 THE MOTHER: I would like to talk to my lawyer
7 as well.

8 THE COURT: Okay. Thanks. We'll have the
9 lawyers on their phones, and then I'll have breakout
10 room for you guys.

11 (Recess taken.)

12 THE COURT: All right. Let's go back on the
13 record. The record should reflect that during the
14 break Ms. M██████████ and Ms. Ward and Mr. W██████████ and
15 Mr. Lehto each separately had breakout rooms.

16 Anything, Mr. Lehto, you'd like to bring
17 to the Court's attention?

18 MR. LEHTO: Yes, I would. I think my client
19 indicated that during Ms. Fleming's testimony he had
20 sent a message.

21 THE COURT: Sorry. I'm sorry, Ms. Strigenz.
22 I'd failed to see you weren't here. Mr. Lehto was
23 just giving us an update from his conversation with
24 his client.

25 MR. LEHTO: Yes. So during the testimony of

1 Ms. Fleming obviously my client's not seated next to
2 me. We weren't set up to chat so to speak, but he
3 had said he had sent a chat to the Court wanting to
4 talk to me. If he had been seated next to me, he
5 would have been providing information that would
6 have been useful in cross-examining Ms. Fleming.

7 THE COURT: If you would like to ask some more
8 questions, you're welcome to.

9 MR. LEHTO: Actually, what I would like to do
10 and I think this would be quicker and probably more
11 efficient is just have Mr. W██████████ be rebuttal with
12 her impeachment witness for Ms. Fleming. So I have
13 about five questions to ask.

14 THE COURT: Okay. Any objection, Mr. Kreger?

15 MR. KREGER: No, Your Honor.

16 THE COURT: Okay. I'm assuming there is no
17 objection from anyone else, but if there is please,
18 let me know.

19 All right. Mr. W██████████, please raise
20 your right hand. I am doing the same.

21

22

23

24

25

1 C [REDACTED] W [REDACTED], called as a witness
2 herein, after having been first duly sworn, was
3 examined and testified as follows:

4 THE COURT: Thank you. If you could begin by
5 stating and spelling your name. Please speak good
6 and loud directly at your device so the court
7 reporter can hear you well, and then, Mr. Lehto, you
8 can go ahead.

9 MR. LEHTO: Sure. Mr. W [REDACTED] --

10 THE COURT: He's got to state and spell his
11 name.

12 THE DEFENDANT: C [REDACTED], C- [REDACTED],
13 W [REDACTED], W- [REDACTED].

14 THE COURT: Okay. Thank you.

15

16 DIRECT EXAMINATION

17 BY MR. LEHTO:

18 Q Mr. W [REDACTED], you heard the testimony of the new
19 case manager, Ms. Fleming; is that correct?

20 A Correct.

21 Q Okay. And you heard her state that you'd missed a
22 visit although she could not state when or what the
23 situation was on the visit?

24 A As far as my visits goes, I believe I made my last
25 visit that was set up for M [REDACTED] and my last visit

1 other than with M█████ was on 9/13, and I was a part
2 of that visit.

3 Q Okay.

4 A I was there for that visit. I also have visits set
5 up with M█████ for tonight and also for 10/3.

6 Q Okay.

7 A I know that.

8 Q Do you have visits then about every other week?

9 A The zoom visits are weekly, and then my in-person
10 visits would be a couple of weeks out.

11 Q Okay. So have you missed a visit recently?

12 A No, I haven't missed a visit since July. We've had
13 issues with the visits where we log on. Then there
14 was a technical issue, you know, but by the time it
15 was resolved the visit was already done.

16 Q Okay. How long were the visits before you had
17 technical issues?

18 A Visits are going like three or four minutes. We got
19 started with the visits. The visits are going, and
20 then we both frozen. We both worked to get that
21 issue corrected.

22 Q Okay. How long do the visits last like the one on
23 the 13th of September?

24 A The zoom visits are set for twenty minutes.

25 Q Okay. Also, with the S█████s, do you have

1 communication with them?

2 A Yes, I do.

3 Q Okay. What's that communication? How is that
4 going?

5 A Well, just going back from-- Well, I communicated
6 with the S██████████s during the visit on the 13th.
7 On 9/6 we had a twenty minute phone conversation
8 where I got an update on M██████████. You know, what had
9 been going on through the house. So I, you know,
10 followed up to check with that. So we had a twenty
11 minute phone conversation on the 6th, and we do
12 communicate via CorrLinks on 9/1, 8/30, and 8/23.

13 Q Okay. And now CorrLinks-- The case Ms. Fleming
14 said she's tried to reach out to you on CorrLinks.
15 Do you believe she has?

16 A No. That's incorrect. On 8/30 I sent out the
17 invites to Ms. Fleming on CorrLinks because I
18 finally got her information. So I sent her out an
19 invite and a message which she accepted, I believe
20 it was, on 9/2. She accepted and set up the
21 account, but no messages were ever sent.

22 And I double checked, and, you know, as a
23 record, my messages are kept courtesy of the State
24 of Wisconsin. So there was literally no
25 communication on that end.

1 I also placed the phone call to Ms.
2 Fleming on 9/6 which is prior to me talking to the
3 S██████████s and also on 9/1. I tried to call her
4 several times throughout the day.

5 Q And now if someone's trying to communicate with you
6 at the Kenosha facility, do they have to go through
7 a social worker?

8 A Yes.

9 Q And that means that's a phone call, correct?

10 A That's for a phone call. Correct. It would have to
11 be scheduled through the social worker which Ms.
12 Fleming was provided the e-mail address and phone
13 numbers of the two social workers here in the
14 facility and, you know, given the correct
15 information because I spoke with Ms. Kohnert
16 actually when she was leaving the agency, and she
17 assured me that everything was passed on to Ms.
18 Fleming on how to contact me, and I should be
19 receiving a phone call from her first introducing
20 herself and to go over whatever that is that we need
21 to go which that never happened.

22 Q Okay. You never were notified of her contacting the
23 facility to set up phone calls?

24 A Correct.

25 MR. LEHTO: Okay. I have no further questions.

1 THE COURT: Thank you. Ms. Ward, any questions
2 for Mr. W██████?

3 MS. WARD: No, thank you.

4 THE COURT: Mr. Holzman, any questions?

5 MR. HOLZMAN: None, Your Honor.

6 THE COURT: Thank you. Ms. Strigenz?

7 MS. STRIGENZ: No, ma'am.

8 THE COURT: Mr. Kreger?

9 MR. KREGER: No, Your Honor.

10 THE COURT: Mr. Lacera?

11 MR. LACERA: No, Your Honor.

12 THE COURT: Okay. Great. Thank you.

13 (Witness excused.)

14 THE COURT: Then I'll turn to you, Ms. Ward, to
15 see if you have anything you'd like to add after
16 your breakout room with Ms. M██████.

17 MS. WARD: No, thank you.

18 THE COURT: All right. So with that then I do
19 think we're prepared for closing arguments. I will
20 turn it over Mr. Kreger.

21 MR. KREGER: Thank you, Your Honor. So
22 obviously today we are here ultimately to look at
23 the best interests of these three children and
24 whether or not it is in their best interests to
25 terminate the parental rights of their biological

1 mother and fathers.

2 Ultimately, these three kids were removed
3 in March of 2018. C [REDACTED] has been placed with
4 the S [REDACTED]s since August of 2019, M [REDACTED] has
5 been placed there since August of 2018, and H [REDACTED]
6 was obviously there at some point. She is now with
7 her aunt.

8 And so looking at factor one is there an
9 adoptive resource? Certainly for C [REDACTED] and
10 M [REDACTED] there is an adoptive resource in place, and
11 that's an adoptive resource that, you know, not only
12 is a resource that's there for the children
13 individually but it is also a resource that's able
14 to keep them together.

15 And at this point that's their family.
16 That's who they know. That's who they've been with.

17 They've also had the opportunity to be
18 with their younger brothers, and there have been
19 discussions about where that -- where those cases
20 are going to be. It's difficult to say with any
21 case what's going to happen.

22 But at this point looking at it today I
23 think that for factor one it's in their best
24 interests. There is a high likelihood of adoption,
25 and it is with their siblings, and that's the family

1 connection that's probably their most important
2 family connection at this point.

3 For H■■■■■■, you know, her placement is
4 new, and she's been through a lot. It's really
5 difficult, you know, to say, you know, that, you
6 know, she's definitely going to be adopted.

7 However, it is really encouraging that Ms. J■■■■■■
8 is an adoptive resource. That she is there with her
9 because in a lot of cases and a lot of situations we
10 would be sitting here still trying to find somebody
11 who's willing to step up for H■■■■■■ when she is
12 going through everything that she has been going
13 through.

14 So ultimately I do think as far as
15 likelihood of adoption that's really, really
16 positive for H■■■■■■, and that is something that
17 does weigh in favor of adoption as far as factor
18 one.

19 I think that, you know, looking at-- And
20 I'm not to go try to-- There has been so much
21 testimony in this case. It's really difficult to go
22 back through every single thing. So I trust that
23 the Court is going through notes and remembers a lot
24 of it as well, but I'll just speak to this
25 substantial, emotional bond. I think for, you know,

1 each child you look at their substantial, emotional
2 bond, you know, with their mother, Ms. M█████, there
3 have been testimony that she has been inconsistent
4 with visits, and that there have been concerning
5 incidents that have happened with visits.

6 There was testimony that there was, for
7 instance, that Percocet that followed her version at
8 one point, and it's really been at the end of the
9 day Ms. M█████'s own behavior that's kept her from
10 being able to progress with visits. It's really
11 been her ability to satisfy those safety concerns of
12 drug use and her mental health which I'll refer to
13 later it's really kept her from forming emotional
14 bonds with each of the girls and really to have
15 that, you know, parental relationship.

16 But looking at Mr. J█████ as it relates--
17 I'll like start with Mr. W█████ as it relates to
18 M█████ since she's the youngest. Mr. W█████
19 committed some heinous crimes. He's in custody for
20 that. It's really kept him from forming a
21 substantial, emotional with M█████ at visits.

22 And I'll be the first to admit that Mr.
23 W█████ presents very well in court. He seems like
24 a very reasonable person.

25 I think, you know, at some level that

1 makes it a little more scarier because, you know, he
2 was convicted of so many -- pretty violent crimes
3 towards his own son as well as to H [REDACTED] which
4 wasn't his daughter. However, she's involved in
5 this case and was a child living in his home.

6 He won't be released, you know, on those
7 -- Well, he's scheduled to be released in 2024. He
8 was convicted in 2018. He was sentenced to six
9 years in prison. So he really hasn't been available
10 to really form a bond with M [REDACTED].

11 As far as Mr. J [REDACTED] goes, that's another
12 pretty alarming relationship. I think when you look
13 at Mr. J [REDACTED] allegedly sexually harassing or
14 sexually assaulting a supervised worker during a
15 visitation session and not being allowed to continue
16 at visitations in person anymore with H [REDACTED] and
17 based on the fact that obviously he's not here I
18 think that, you know, speaks for itself as well, but
19 I think that all of that, you know, speaks to his,
20 you know, relationship with H [REDACTED] and whether he
21 has a substantial, emotional bond.

22 Finally, Mr. C [REDACTED] in relation to
23 C [REDACTED] just hasn't been very engaged in
24 C [REDACTED]'s life. He's been in and out of custody.
25 Now he, you know, seems to be having phone visits

1 with her which is encouraging. However, it's
2 unfortunate that those phone visits have needed to
3 be cancelled or things like that because he's
4 unwilling to take redirection when it comes to
5 appropriate things like that. Ultimately, just
6 based on his engagement with C██████████ I don't
7 think that he has a substantial, emotional bond with
8 her, either.

9 Ultimately, I'm asking the Court to really
10 look at will the children enter into a more stable
11 and permanent family relationship if the parents'
12 rights are terminated and it really will be in their
13 best interests? I think that the answer is yes
14 because I think that in these three cases that that
15 it is perfectly clear if the Court were not to grant
16 the termination of parental rights petitions in
17 these three cases, that M██████████, C██████████, and
18 H██████████ will remain in foster care for a, you know,
19 foreseen period of time moving forward.

20 They'll remain-- M██████████ and C██████████
21 will remain with the S██████████s, and H██████████ will
22 hopefully remain with Ms. J██████████, and I think
23 that's based on the lack of engagement of really
24 most of the parents in this case, and, I mean, Ms.
25 M██████████ is just starting UAs now within the last one

1 or two months before this last final hearing when
2 she admitted to using Percocet up until the end of
3 2020 and then stopping UAs altogether leading up to
4 the jury trial, and that alone is, I mean, pretty
5 alarming itself.

6 She clearly has work to do on herself in
7 that respect. She's still being picky about what
8 agency she's going to drop at. That's interfering
9 with her ability to comply with conditions and show
10 that she can be safe.

11 She hasn't been in therapy for mental
12 health. It's a really concerning aspect for Ms.
13 M■■■■■. Again, this is a situation where at one
14 point she was considering committing suicide. So
15 it's extremely important that she devote time to
16 that, and up until this point she really has not
17 shown that she's willing to do that.

18 Again, as far as Mr. W■■■■■ goes, he's
19 in custody and is really not going to be available
20 for M■■■■■.

21 Mr. J■■■■■'s not present today, and I
22 think that speaks for itself. That he's not willing
23 to be engaged and wasn't engaged before. He's not
24 able to really safely have visits with H■■■■■ at
25 this point.

1 Finally, with C█████████ I don't think
2 that Mr. C█████████ has really been engaged with
3 C█████████, and ultimately I think that it is in
4 C█████████'s best interests that she remain with the
5 S█████████s who really have been her family for the
6 last two -- over two years now and really so she can
7 remain with her siblings who are her probably most
8 consistent family at this point.

9 So I am asking that the Court grant the
10 TPR petitions. I think it will result in a more
11 stable, permanent family relationship. It's really
12 in these three cases in these three girls' best
13 interests which is the ultimate question here. So
14 thank you, Your Honor.

15 THE COURT: Thank you. Mr. Lacera?

16 MR. LACERA: Thank you, Your Honor. I would
17 like to touch on the foster placement and the
18 biological family members since we just spent quite
19 a bit of time on that in previous hearings.

20 Specifically, we've heard testimony that
21 the foster parents of C█████████ and M█████████ had just
22 stopped visits with the maternal family members
23 while the adverse inversely is true. That the
24 biological family stopped visits with the foster
25 family.

1 I think the best thing we can do is look
2 at the past and what has actually been done. We've
3 seen throughout this case that the foster parents,
4 the S██████████s, have made the efforts to connect
5 the kids with their family members when available,
6 and they've done it on their own. They had no
7 reason to set up these visits other than to benefit
8 the children that they have placement of.

9 And most specifically I'm talking about
10 C██████████ and her visits with her grandmother. I
11 believe today we heard that visits are about twice a
12 month.

13 These that are not Court-ordered visits.
14 The S██████████s do these that visits because they
15 believe it benefits C██████████, and C██████████ does
16 have a relationship with her grandmother. I think
17 nobody's disputing that.

18 So it's hard for me to imagine that these
19 visits or contact would simply stop if adoption
20 happened. It would only be if the placement
21 believes it would be a hindrance to the children. I
22 believe that the S██████████s have done their very
23 best to maintain the important family relationships
24 whenever they had to.

25 Moving on to the children it's been about

1 three-and-a-half years since the children were
2 removed. At this point there was testimony that
3 H██████████ is concerned about what the future holds
4 and what permanency means for her, and for the other
5 two -- for M██████████ she's been with the S██████████s
6 the vast majority of her life.

7 I believe that it's my opinion and through
8 the testimony that we are no where near
9 reunification at this point for any of the children.
10 If TPR is not granted today, the children will
11 remain in foster homes, and the situation is not
12 likely to change by the end of next year which would
13 mark about four years in out-of-home care.

14 So the bottom line is that each of the
15 parents have more substantial periods when they've
16 been out of these children's lives here and have not
17 been available or consistent. Perhaps most
18 egregious is Mr. J██████████ relocating to Arkansas and
19 not participating with visits for six months.

20 Consistency is important for these that
21 children, and that is what the S██████████s offer,
22 and hopefully that's what we will have that Ms.
23 J██████████ offers for H██████████.

24 I understand that we're pretty early in
25 that placement, but through the testimony it seems

1 Ms. J [REDACTED] is the ground running. She's
2 participating in therapy. She's involved with
3 H [REDACTED] and for her own children, and she's doing
4 what she needs to do to potentially adopt H [REDACTED].

5 So again we can only look at what's been
6 done, and what's been done is that she's shown that
7 she has been an appropriate placement. The
8 S [REDACTED]s have done everything they need to do to
9 care for the children and to maintain the important
10 family ties. Thank you.

11 THE COURT: Thank you. Ms. Ward.

12 MS. WARD: Thank you. Ms. M [REDACTED] has
13 significant relationships with her children. They
14 are very substantial. H [REDACTED] has lived with her
15 mother for five years, and C [REDACTED]'s lived with
16 her mother for six years of her life. She's had
17 significant portions of these children's lives where
18 they have lived with their mother and been involved
19 with their mother.

20 They know who their mother is. She does
21 have a significant, substantial relationship with
22 her. Ms. M [REDACTED] has made been in consistent contact
23 with the children throughout this entire time frame.

24 She has been to the majority of her
25 visits. I know that she has missed some visits. I

1 believe that was due to transportation issues or
2 health issues, but she has made her visitations and
3 has had contact with these children throughout their
4 entire lives. Both H██████████ and C██████████ have
5 previously stated that they've wanted visits with
6 their mother, and the girls have a very substantial
7 relationship with each other even though they are no
8 longer together.

9 That's probably been one of the most
10 important part besides their mother is each other,
11 and at this point in time they're separated, and
12 H██████████ has significant, behavioral issues that the
13 S██████████s could not handle and then the second
14 placement could not handle.

15 So now finally H██████████ is with a family
16 member, but these children also have significant
17 relationships with their fathers. They talk to
18 their fathers on visits with mom. They have-- The
19 fathers have their own visits and talk about the
20 amount of family members that have shown up for
21 these children. They have significant, substantial
22 relationships with other family members.

23 C██████████ wants to be with her
24 grandmother. She has a significant relationship
25 with her grandmother. That's very substantial, and

1 she still has that relationship that she goes and
2 visits with all of her family members.

3 H [REDACTED] has stated in the past that she
4 like to be with family, and she is now with Ms.
5 J [REDACTED], but H [REDACTED] has stated she wants to be
6 with her sister. So it seems that throughout this
7 entire case these children have talked about wanting
8 to be with family members.

9 The S [REDACTED]s, you know, throughout this
10 case have, I guess, talked to family members and
11 have talked to the parents, but they haven't come to
12 court to testify about whether or not they would
13 continue the relationships.

14 Yet, we've numerous family members show up
15 for these children and testify how much they want
16 these children -- how much they want all of these
17 children to be together and to be with them. That's
18 very significant, and the fact that Ms. M [REDACTED] has
19 had concerns that the S [REDACTED]s were open in the
20 past and now they have been less open with her.

21 Further, the girls have two brothers that
22 are Ms. M [REDACTED]'s children with a different
23 relationship. Those two children are still at the
24 S [REDACTED]s, but the father of those children has
25 moved to partially unsupervised visitation, and

1 there is a real possibility that those two children
2 will not be in that home and will be returned to
3 their father.

4 So I think that's going to be a concerned
5 of how to explain to C [REDACTED] that she wouldn't
6 necessarily see her mother but her other two
7 brothers still do get to see her mother and still do
8 get to have that relationship.

9 At this point in time Ms. M [REDACTED] feels
10 that her rights should not be terminated. That it
11 should return back to the CHIPS case.

12 She has participated in visitations. She
13 wants to continue to participate in UAs and in
14 therapy and wants to continue to work on having her
15 children returned to her.

16 In the alternative she wants the children
17 placed with family members which I think the case
18 could be returned back to the CHIPS case to be
19 placed with family members.

20 THE COURT: Thank you. Mr. Holzman.

21 MR. HOLZMAN: Yes. Thank you, Your Honor. I
22 would concur with Ms. Ward. The rights of the
23 parents should not be terminated especially as to
24 C [REDACTED].

25 One of the things that Ms. Ward mentioned

1 and it was a question I had during this trial is one
2 witness was absent, and that is the foster parents.
3 Everybody was speaking for the foster parents.

4 Everybody says oh, yeah. They allow this.
5 They allow that. Everybody's saying well, I can't
6 imagine being denied visitation like we have with
7 Mr. C█████. Well, we're giving it now.

8 Well, I've never heard from them. They're
9 absent. We don't know what they feel. We don't
10 know what the problems are that they have with the
11 parents.

12 In addition, we know there's been some
13 discussion about we're going to maintain visits.
14 We're not going to terminate substantial
15 relationships especially with Mr. C█████ and his
16 family. I don't-- I don't see any evidence that
17 they won't. They haven't spoken to us.

18 In addition, it is not hard to imagine
19 that they will terminate those relationships. In
20 fact, it's probably -- it's probable, and even
21 though legally the argument that is made by Ms.
22 M█████ a while ago saying, well, we don't want to
23 terminate those relationships.

24 Legally, I didn't see a plan for Mr. C█████
25 or Mr. W█████ or for the mother to have visits

1 with the children. She-- Ms. S [REDACTED] has so
2 many kids she's taking care of I can't imagine that
3 there would be the plan that would allow the kind of
4 visitation that these children need with their
5 parents.

6 The children-- In terms of Mr. C [REDACTED],
7 he's made remarkable progress in meeting the
8 conditions. It's hard to imagine that a CHIPS
9 couldn't be handled or that it would be handled with
10 a CHIPS with family members here.

11 Mr. C [REDACTED] has made remarkable progress.
12 This is not about him. This is about the children.

13 He's got a stable residence. He has two
14 jobs. Up until very recently the visits were
15 terminated based on the statements of the foster
16 parents which for nine months he was doing
17 appropriately.

18 Now, he's appropriate for a TPR. He's not
19 saying appropriate things.

20 He's completed a certification for anger
21 management. He's completed parenting. He's
22 completed cognitive thinking. He's completed a
23 course in welding training.

24 The only issue in terms of service he
25 hasn't completed in the last nine months is -- I

1 think there was testimony back and forth -- is the
2 psychological examination, but he's made remarkable
3 progress.

4 In addition, it is also probable, I think,
5 that probably that B█████ R█████ would step in.
6 The Court heard from B█████ R█████, my client's
7 grandmother, who's sixty-six, I believe, or
8 sixty-four. She's pretty spry for her age.

9 And she was a prior, adoptive resource.
10 She has adopted kids before. She was a prior foster
11 parent.

12 She has knows C█████. She's taken
13 care of C█████ and, I believe, H█████ for a
14 time when the mother was having problems with them.
15 They've lived with her, and she sees C█████ at
16 least every time that she goes over to visit
17 L█████ R█████ who is her daughter.

18 At those times they love to be with
19 C█████. They are people who love her. She sees
20 Mr. C█████ at these visits from the testimony we've
21 heard. She loves him. She brightens up when she
22 sees Mr. C█████.

23 This is not a situation where, you know,
24 we're going to maintain a legal relationship. We're
25 not going terminate the relationships. TPR is a

1 finality, and we haven't heard from the foster
2 parents as to what they want to do in terms of an
3 actual plan to synchronize everything to get
4 everyone a part of their lives including C██████████.

5 C██████████ loves her family. She was with
6 Ms. R██████████ for a year-and-a-half before she was
7 with -- and this is L██████████ R██████████ -- before she
8 was with Ms. S██████████. She has a strong
9 relationship and ties with her.

10 Those severed ties-- I think I'd asked
11 the last social worker when she'd testimony during
12 this proceeding would there be harm if she never saw
13 her paternal family again, and she said yeah. No.
14 There would be no harm.

15 That, to me, just flies in the face of
16 everything we've heard about the look of joy on
17 C██████████'s face when she sees her father and sees
18 her grandmother. Mr. C██████████ has had during the time
19 of even when he was in custody had phone calls and
20 letter contacts with C██████████, and now the next
21 last nine months he's had phone calls twice a week
22 until there for some reason the foster parents are
23 saying they were terminated.

24 In addition, he was -- she enjoys these
25 phone calls. We heard the worker who testified

1 today being three weeks on the job. You heard her
2 testify yeah, she enjoys him. Now he's stable.
3 He's employed. Now he's got house.

4 Ms. R[REDACTED] who has adopted a bunch of
5 kids was not really investigated by anybody in terms
6 of being the foster placement. Now, a lot of times
7 in court the family's been investigated and
8 everybody's been interviewed. For TPR there is no
9 family members. In this case even if Mr. C[REDACTED] is
10 not ready to handle C[REDACTED] on a consistent basis
11 Ms. R[REDACTED] is.

12 I don't want date myself, but I remember
13 when Judge Wall was doing these things. He says
14 another factor in termination of parental rights
15 cases in addition to the ones he use to say is blood
16 okay? Here you've got blood. You've got Ms.
17 R[REDACTED], the great grandmother of C[REDACTED], who
18 is extremely qualified, who has never been
19 investigated, who has never even been considered a
20 resource.

21 Then you've got the S[REDACTED]s. We're
22 not going to screw this up and place you with Ms.
23 R[REDACTED]. She's the grandmother, the blood.
24 C[REDACTED] will want to know about her family. Ms.
25 R[REDACTED], B[REDACTED] R[REDACTED], is the one to do that.

1 In terms of the factors involved in this
2 case it seems C [REDACTED] who is only nine is
3 undecided. She wants to be adopted. Sometimes she
4 doesn't. According to Ms. Ward she wants to be with
5 the mother. It doesn't appear she wants to
6 terminate the family relationships. The wishes of
7 the child for a nine year old are a little unclear.

8 The duration of separation of the parents
9 of the child obviously is a factor. My client's
10 never been fully separated. Even in custody he had
11 contact with her. He had for summers before the
12 child was removed, and the child was removed through
13 nothing that he did except he was not present to
14 take control of the child, but it was really due to
15 some of the violence in the home.

16 Since that time Mr. C [REDACTED] has been
17 successfully -- had extended supervision. He's
18 never been fully removed from C [REDACTED]. He's had
19 phone visits. He's had calls. Even in custody he's
20 been there for her.

21 Would the child be able to enter into a
22 more stable and permanent family relationship?
23 Maybe. Maybe not. It is not clear.

24 The Court would absolutely have to look
25 into the testimony as the Court has done, but I

1 believe C [REDACTED] is seeing a therapist. I can't
2 recall the exact details. She's got serious, mental
3 health issues as H [REDACTED] does, but there is some
4 issues. There could be a red flag. Maybe Ms.
5 S [REDACTED] who we didn't hear from would have
6 problems with that as she did with H [REDACTED].

7 Is it a more family relationship? Is it a
8 likelihood of adoption? Maybe, but I think there is
9 a big question out there, but there is a likelihood
10 that Ms. R [REDACTED] would clearly be -- Ms. T [REDACTED]
11 R [REDACTED] -- would be an adoptable resource. She's
12 done it before. She's handled all the
13 certifications, and she would take care of the child
14 who is monitor to her.

15 I don't think in this case it's
16 appropriate to terminate the relationship between
17 Mr. C [REDACTED] and his child or to terminate the
18 relationship with the other family members. I think
19 that Mr. C [REDACTED] has made remarkable progress.

20 I think a CHIPS investigation as to Ms.
21 T [REDACTED] R [REDACTED] would be helpful to C [REDACTED] so
22 maybe she can have that blood and have that family
23 relationship that I think she needs.

24 And Ms. S [REDACTED]'s a big question mark.
25 I don't know about Ms. S [REDACTED]. The only thing I

1 know about her is what she tells the social workers.
2 So I'm not sure we can answer that questions about
3 who would be a more permanent, family relationship.

4 I'm going to ask for the same thing Ms.
5 Ward asked for which a guardianship with a direction
6 to the Department to investigate family resources,
7 but as much as any case that I've had, there have
8 been a lot of family members who have stepped up and
9 said that they want to have the children and have
10 the children live with them, and right now one of
11 the family member's, H██████████, I believe aunt does
12 have the child or have Ms. R██████████ have the child.
13 How come that wasn't investigated?

14 So I would ask that the rights of the
15 parents not be terminated and the Court order a one
16 year period of CHIPS.

17 THE COURT: Thank you, Mr. Holzman. Why can
18 Mr. C██████████ have contact with C██████████ only by
19 phone?

20 MR. HOLZMAN: Well, there have been virtual as
21 well. Part of it started, I believe, with COVID,
22 okay, and now because of the other issues they want
23 to have in-person visits with him so he can be
24 monitored.

25 THE COURT: So I can't really hear you. I

1 don't know what you mean, because of other issues.
2 I don't know what that means.

3 MR. HOLZMAN: Well, basically parts of visits
4 were terminated because he was released from jail in
5 January because of COVID, and he just continued with
6 that. Okay?

7 THE COURT: Hold on. Hold on. So he was out
8 of jail in January of 2021. We went back to
9 in-person visits after a hiatus from COVID in like
10 July of 2020. So what does COVID have to do with
11 this at this point?

12 MR. HOLZMAN: Well, my understanding is that he
13 was having personal visits with the child at his
14 mother's house, and he was seeing her twice a month,
15 okay, and that in addition the virtual phone call
16 visits were supplementing that also, and I don't
17 know. I have evidence and my client has told me
18 during the visits with Ms. M [REDACTED] C [REDACTED] would
19 call him up as well during some of those visits. So
20 he was basically supplementing personal visits with
21 his mother's house with phone calls.

22 THE COURT: I see. Okay. Thank you. Let's
23 see. Mr. Lehto.

24 MR. LEHTO: Thank you, Your Honor. The other
25 two attorneys both emphasized this and I'm just

1 going to start out with it as well, and the State
2 has the burden here by clear and convincing evidence
3 to show it's in the best interests of the children
4 and that permanency will be achieved with these
5 terminations and presumably with the children being
6 with the S [REDACTED]s who we have never seen in this
7 courtroom and we have never heard from in this
8 courtroom.

9 And the Court has an important decision.
10 I think it's an important decision to make here.
11 You know, I'm going to terminate each of the fathers
12 and their extended family which again has been
13 pointed out by all the attorneys without seeing who
14 supposed going to be adopting these children, and I
15 think that's a major flaw in the State's case.

16 And again we've heard from the relatives
17 from each of the fathers' families of how much they
18 care for these children and wanted to take care of
19 the children, and I think that was something that
20 was somewhat stunning to each attorney in this room
21 that is representing a father is we've kept hearing
22 the same story about how relatives were not being
23 considered because the theme there was we want to
24 keep the children together.

25 Now, today we sit here. We're not keeping

1 the children together. H█████████'s already with
2 another relative. That maybe H█████████ should have
3 been with a relative much sooner in this case, and
4 that's because the S█████████s who we didn't hear
5 from can't care for them.

6 We know F█████████ and A█████████ are in CHIPS
7 cases, and they may not be in this home, and then we
8 hear about C█████████ having substantial contact
9 with relatives specifically her grandmother, and
10 we're not going to have all of the six kids together
11 if there is a termination, and that was the reason
12 relatives weren't being considered for each of these
13 that parents if I remember the testimony correctly
14 when they were trying to get relatives to be the
15 placement.

16 And let's say the parents weren't able to.
17 Well, in my client's case he would was not able to
18 meet the conditions of return obviously, but M█████████
19 could have been in a relative placement in a
20 guardianship. So could the other children.

21 And you know what? They would have all
22 remained siblings, and all of their extended family
23 would have stayed involved in their lives.

24 So another theme that sort of popped up
25 and reoccurred today, and that's when initially Mr.

1 W██████████ was testifying or was testifying from
2 Lauren Miller, the case manager, saying how he had
3 met the conditions, and granted he's in custody, but
4 she wasn't aware or didn't testify to the
5 certificates.

6 He sent in the anger management. He
7 engaged in the cognitive therapy, the parenting, the
8 grief and the loss. The things he had done. He had
9 done an AODA assessment during the case -- the CHIPS
10 case, but he was accused of not doing those things
11 by the case manager.

12 Today we have Case Manager Fleming testify
13 that Mr. W██████████ is missing -- missed a visit when
14 he just had a visit two weeks ago. That she's
15 contacted with him on CorrLinks when there is a
16 clear record of CorrLinks, and he never received
17 anything from her. He reached out to her. That was
18 some acknowledgement, but there was never like a
19 substantive reach to him to communicate with him.

20 Likewise, he says the facility never told
21 him that there was going to be a phone call set up
22 with the case manager. It gets concerning here
23 some. If you look at the not taking the relatives
24 seriously and then you look at some of this
25 testimony, you see that maybe this somewhat is a

1 systemic decision here that adoption was going to be
2 better for these children from the start.

3 Then we go to Mr. W[REDACTED]' efforts to
4 have communication with his child. I'm just going
5 to through-- First, I'm going to note that back in
6 the CHIPS case back in February of 2019 Mr. W[REDACTED]
7 was desperately wanting to see or communicate more
8 with M[REDACTED].

9 One of the problems was at that time the
10 mother wouldn't sign consents to allow M[REDACTED] to
11 visit with her father at Corrections. I had to
12 bring a motion to have the CHIPS Judge say yes you
13 have to sign that or be found in contempt.

14 So that was signed, and then it was well,
15 we're not sure that visits are going to be good for
16 M[REDACTED]. So ultimately the Court said no you got to
17 set up visits. So visits were set up with Mr.
18 W[REDACTED] at the correctional facility so he can see
19 his daughter, but he had to make these that extra
20 efforts, get Court orders, to make this happen.

21 Then we have COVID come along, too.
22 That's changed the game, but as you heard today,
23 he's still having visits.

24 Now, during the TPR case there were
25 problems with those visits. I'm just going to go

1 off the record here since it is a part of the Court
2 order.

3 On January 15th, 2020, Attorney Lehto
4 advised the Court that Mr. W██████ wants to address
5 the Court regarding visitation. On February 17,
6 2020, Mr. Lehto filed a request to change placement.
7 That's where I promoted or request that B██████ M██████
8 who was licensed at one point, an aunt, be the
9 placement.

10 I also made statements to the Court as to
11 visitation. Mr. W██████ is requesting additional
12 visitation time.

13 Then on April 15th, 2020, I'm arguing
14 about B██████ M██████ as the placement. That that
15 would be a family placement. The State argues they
16 do not want to separate the children which is a
17 theme that's been in this case. Now, see, maybe the
18 children aren't going to remain together, and then I
19 also note that the agency was arguing that.

20 Then 5/27 we have a motion hearing on my
21 motion. There was testimony from T██████ M██████ who
22 the Court also heard from. If you recall, T██████
23 M██████ was the initial placement for M██████ for four
24 months under the CHIPS but had been involved in
25 helping raise the child's since birth in October of

1 2000, I think, 17.

2 So there has been-- Mr. W██████████' family
3 had been involved with this child from October 3,
4 2017, until about August 2018 when the State
5 requested the change of placement ultimately ended
6 up being the S██████████s, but we had all this family
7 being involved with this child for eight months.

8 So the Court heard from T██████████ M██████████
9 life. Judge Sanders also heard from T██████████ M██████████
10 and ultimately from B██████████ M██████████, and the Court
11 ultimately denied the change of placement to B██████████
12 M██████████ simply, I think, the biggest argument was well
13 we want to keep the children together.

14 But also on June 6, 2020, when that
15 decision was made, the Court inquires of the case
16 manager why visits have not been occurring with Mr.
17 W██████████. Court stresses they need to occur in some
18 fashion. Court directs the case manager to arrange
19 visitation so that corresponds to the parties
20 detailing how that will occur, and this is in light
21 of the CHIPS court.

22 You know, you got to make visits happen.
23 They just never did it unless the Court -- unless I
24 brought it into court. Unless Mr. W██████████ brought
25 it into court, and we'd filed motions and had to

1 take the Court's time and put testimony on to show
2 why that was in the child's best interests.

3 So with M■■■■■ as well we heard from
4 T■■■■■ about other relatives, A■■■■■ L■■■■■, A■■■■■
5 W■■■■■, the paternity grandmother, A■■■■■ L■■■■■, the
6 aunt, T■■■■■, and B■■■■■. That then also extended
7 family with cousins -- multiple cousins, and the
8 theme again is we want to keep the siblings
9 together, but this could have been accomplished and
10 still can be accomplished if the Court dismisses
11 this termination.

12 There are fit and willing relatives for
13 these children just like there is with the paternal
14 aunt, K■■■■■ J■■■■■. There are those fit and
15 willing relative for C■■■■■. There are those
16 fit and willing relatives for M■■■■■, and
17 guardianships could achieve that goal and keep all
18 the families together.

19 Judge, I have to sit there and wonder,
20 M■■■■■ and C■■■■■, well, they just lost a
21 sister. H■■■■■'s gone. Moved out. Maybe F■■■■■
22 and A■■■■■ are going to move out.

23 So if we're worried about keeping them
24 together, that again may just not happen, and we
25 could keep the families together by dismissing this

1 termination and allowing the relatives to take
2 placement of the children.

3 I think just a few other comments. I
4 think it's notable that Mr. W█████ reached out and
5 said hey, you know. There is something wrong on the
6 record today. What's being testified to is not
7 true, and what we heard was pretty compelling. Hey,
8 I just had a visit. Hey, no, I haven't heard from
9 that case manager, and it shows other things I have
10 brought up here in this hearing that shows his
11 desire and I think that family's desire to keep
12 M█████ in the family.

13 And the State starts out and says yup.
14 Those are pretty bad crimes, and they were, but it
15 seems like this case has been viewed through that
16 lens rather than viewed from what about those other
17 family members? They're wonderful people that would
18 do a great job caring for this child, and I say for
19 all the other fathers in this case because that's
20 the same thing I've heard.

21 So I'm going ask the case the Court to
22 dismiss the TPR and turn it back to CHIPS with
23 directions to look for relative placements.

24 THE COURT: Thank you. And Ms. Strigenz.

25 MS. STRIGENZ: Thank you, Judge. I have the

1 delight of being able to go last because I've been
2 hearing the arguments of counsel who are all other
3 parents, and they have emphasized much of what I was
4 going to say, and I do not need to repeat. I think
5 that an excellent argument has made in this case by
6 co-counsel for the other parents in regards that
7 will reflect on Mr. J█████████ and particularly.
8 H█████████, his daughter.

9 As the Court is, of course, very aware,
10 the standards of factors in disposition are laid out
11 in 48.426, and as referenced by other counsel the
12 Court must make a determination by clear and
13 convincing evidence. The burden is clear and
14 convincing evidence, and the standard is what is in
15 the best interests for these children specifically
16 Mr. J█████████'s child, H█████████?

17 Mr. J█████████ unfortunately is not here
18 today. I will start out by a brief argument by
19 indicating that I believe Mr. J█████████ would have me
20 argue that it is in the best interests of his
21 daughter that this termination case for him be
22 dismissed, and that I'm sure Mr. J█████████ would
23 request that H█████████ be allowed to return to him.

24 I'm also pragmatic enough to know that
25 that is probably not going to be the order of the

1 Court. I am very happy to hear that H■■■■■ has
2 been placed with her maternal aunt, Ms. J■■■■■, who
3 is Mr. J■■■■■'s sister. That has happened since
4 early June of this year, and by all accounts Ms.
5 Fleming has indicated that H■■■■■ is happy there,
6 and that Ms. J■■■■■, the maternal aunt, is doing
7 all of the things this child needs to have happen.

8 It's very clear that H■■■■■ has
9 difficulties. That's something we have heard every
10 time we have been in court, and that came to a
11 conclusion when her foster family decided that
12 frankly H■■■■■ was more than they could handle,
13 and again I agree with all co-counsel that the theme
14 of this case and why the State has brought the
15 termination and then requested that a termination of
16 parental rights be granted for all of these parents
17 was to keep these children together.

18 I also agree with my co-counsel that
19 needless to say during this whole tenure of this
20 case that has not happened and may likely continue
21 not to happen as evidenced by H■■■■■ being the
22 child first and foremost being removed from the
23 foster placement and placed in the family setting.

24 Again, I represent Mr. J■■■■■, and Mr.
25 J■■■■■ has a child by the name of H■■■■■, but I

1 think I would be remiss, Judge in not commenting
2 that I also agree that I have been so impressed
3 during the course of this case and this depositions
4 trial which has been going on for a number of days
5 now by looking at all the other parents and all the
6 other relatives that have stepped forward and appear
7 to be very good people and very likely being able to
8 parent.

9 These children so desperately need
10 parenting. That, thank God, came across and came in
11 my particular case that I represented a father in.
12 Ms. J█████ came forward when the foster family was
13 not able to meet H█████'s needs, and H█████ is
14 now placed in a family setting.

15 I would be remiss again in saying that I
16 would hope that the other children in this case
17 would have that opportunity that H█████ does. It
18 is her from the testimony of Ms. Fleming today that
19 the State would like to continue pursuing the
20 termination of my client's parental rights to have
21 H█████ adopted by her paternal aunt, Ms. J█████.

22 And I would say, Judge, that that's
23 somewhat a good thing for my client if that has to
24 happen, if the Court does not -- doesn't decide to
25 do termination because Mr. J█████ will have his

1 daughter in his family and adopted by his sister.

2 However, I think there is much more that
3 you need to take a look at in terms of this little
4 girl. Ms. Fleming, I must say that her testimony
5 was very good. She was very on the ball after only
6 having been on this case for three weeks, and I told
7 her that out in the hallway.

8 She did indicate in her testimony today
9 that when she met with H██████████ during the three
10 weeks or so that she's been involved with this case
11 that H██████████ seemed to be happy with Ms. J██████████
12 but also expressed a desire to see her mother. When
13 is that going to happen in the future?

14 I really do think in regards specifically
15 to my case, Judge, representing Mr. J██████████ and
16 having him have his daughter, H██████████, really is
17 what is in the best interests of this little girl
18 and perhaps for all the other children, and I would
19 agree with co-counsel that this Court not grant
20 termination but in this particular case with
21 H██████████ grant a guardianship and have the State
22 pursue guardianship with H██████████ and her aunt.

23 And I recognize that when I ask Ms.
24 Fleming that question today, she said that the
25 decision had been made that there would be more

1 continue to have a relationship with her mother, and
2 she will still be involved perhaps with Mr. J█████████
3 through his sister.

4 I think that's the best of both worlds for
5 this little girl, and it still does give her the
6 permanency that we all want H█████████ to have but
7 also gives her the connection to all of these other
8 outside relatives, and I don't mean -- to be frank
9 when I say outside, that's all of her other
10 relatives, her mother, her sisters, her aunts, her
11 uncles through Ms. J█████████. That, to me, would be
12 definitely in this little girl's best interest.

13 So I am asking as other co-counsel have
14 asked that the parental rights of Mr. J█████████ not be
15 terminated and that Ms. J█████████ be allowed to do a
16 guardianship of Mr. J█████████'s daughter, H█████████. I
17 do believe that's in this little girl's best
18 interest.

19 THE COURT: Thank you. Mr. Kreger your
20 response?

21 MR. KREGER: Thank you, Your Honor. So I think
22 I'd like to begin by talking about the family
23 members. It seems that everybody referring to a
24 large group of family members vaguely and insisting
25 that somehow the children go to each of those family

1 members, and I just wanted to point to the Court as
2 to who actually testified in this case.

3 I think Ms. R [REDACTED] was the only family
4 member who testified.

5 THE COURT: And that was B [REDACTED], B- [REDACTED]
6 right?

7 MR. KREGER: V- [REDACTED].

8 THE COURT: Oh, it's with a V?

9 MR. KREGER: Oh, I don't know.

10 THE COURT: The transcript says B as in Boy.
11 It's V as in Victor?

12 MR. HOLZMAN: Yes.

13 THE COURT: Okay. The transcript is wrong. I
14 stand corrected. Go ahead.

15 MR. KREGER: And, you know, she is C [REDACTED]'s
16 great grandmother. I asked her has she spent time
17 with her? Does she talk about her? She said no.
18 She's never heard her refer to her. She's heard her
19 refer to her grandmother who wasn't at the hearing
20 or anything like that, but she didn't believe that
21 C [REDACTED] had a substantial, emotional bond with
22 her at this point, and that it was in C [REDACTED]'s
23 best interests that she remain in her placement with
24 her sister and her brothers who she did have a bond
25 with and who she had been living with for a

1 year-and-a-half, I believe, or more at this point.

2 In regards to the other family members
3 that testified I believe there were several family
4 members who testified as it related to Mr. J███████,
5 and I think Ms. C███████ J███████ has custody of
6 H███████ now at this point. I think that it would
7 best serve H███████ if Ms. J███████ be given the
8 opportunity to adopt H███████, and I think H███████
9 needs that idea that she's going to be there.

10 That she is adopted. That she's wanted
11 there. That she's going to be there permanently.
12 That would be in her best interests much more than a
13 guardianship or something unstable where these types
14 of things have the possibility of continuing
15 especially as she gets older and realizing and
16 getting more engaged as to what is actually going on
17 as well.

18 Finally, that brings me to Ms. M███████ who I
19 believe did testify in the dispositional hearing. I
20 think that's T███████ M███████, and I think that at that
21 point the Court frankly pointed out to Attorney
22 Lehto that is something that's already been
23 litigated prior in May of 2019. So it is not
24 something that is necessarily appropriate to be
25 litigated again.

1 However, there is still assistance. That
2 Ms. M█████ did have placement of M█████, and you
3 know, it seems that Attorney Lehto's saying that
4 M█████ should return to Ms. M█████'s care.

5 However, it's important to point out I'd
6 litigated that change of placement hearing. The
7 problem is not just keeping the children together.
8 It's that Ms. M█████ was clearly aligned with Mr.
9 W█████. She would not talk about what crimes he
10 had committed. She insisted that she didn't even
11 know.

12 So there was clear safety concerns. It
13 was not just that she was there and willing to take
14 placement.

15 And then there was further discussion that
16 there was problems setting up visits. Well, part of
17 the problem up until that point was that Ms. M█████
18 had not been willing to consent as provided by the
19 Department of Corrections at that time for M█████ to
20 begin those visits.

21 At that hearing in May of 2019 the Court
22 did order -- I think time to get set up. As, you
23 know, you're setting up a visit for a small child
24 with somebody who has been convicted of child abuse
25 in a secure facility. So it is not something that

1 anybody should take lightly, and it needs to be
2 looked at and monitored as it's going on.

3 Now, there is conversations about the
4 S■■■■■■s, and I ask the Court that, you know, the
5 other attorneys have pointed to the State's burden
6 in this case is by clear and convincing evidence.
7 We're looking at the best interests of the kids.

8 Ultimately, myself as the representative
9 of the State and the one trying this case I have to
10 make a decision as to how many witnesses am I going
11 to call? How many people am I going to try to fit
12 in especially when we have five attorneys here? I
13 can't just keep calling people.

14 So Ms. S■■■■■■ was prepared to testify,
15 and I told her not to because I was -- I wanted to
16 get this hearing done as quickly as I could. I
17 thought that Ms. Miller could convey the bond, and I
18 thought that she did convey through her observations
19 of the bond that the kids have with the S■■■■■■s.

20 They're placed there with all their
21 siblings, and they have been there for a substantial
22 period of time. So it is not really hard to believe
23 that they would have a bond with them and that's
24 where they would feel the most safe and the most
25 comfortable.

1 So although, of course, the S██████████s
2 didn't testify none of us here can speak to what
3 they're going to do moving forward, and that's why
4 all the other attorneys have also pointed that out.
5 You know, I think that the evidence does support
6 that the S██████████s are committed to adopting
7 M██████████ and C██████████, and that they are committed
8 to them.

9 I hope that the Court would consider that
10 it is a balance of efficiency in trying to get the
11 burden met. I mean, it's not simply trying to get
12 every single, person possible on the stand.

13 Finally, I just want to talk about that
14 there was reference to the time that C██████████ and
15 M██████████ and H██████████ have lived with Ms. M██████████ and
16 have pointed out that I think even C██████████ had
17 lived Ms. M██████████ for five years.

18 As I'd pointed out in the trial, it is not
19 simply looking at the amount of time that a child
20 has lived with a parent. It's looking at what was
21 life like. Ms. M██████████ herself testified in the
22 trial that there was violence every other day in
23 that household in relation to Mr. W██████████, and
24 C██████████, that there were violent incidents with
25 Mr. J██████████.

1 She was also testified that she was using
2 almost every day or every other day. I can't
3 remember exactly what it was.

4 So you have to look at not only what was
5 the time or how much time there was but what was
6 that time like? What was the bond like during that
7 time?

8 Finally, I forgot to mention this earlier
9 but in regards to Mr. C█████ the Court had asked
10 Attorney Holzman why the visits remained over the
11 phone, and I think I would direct the Court to Ms.
12 Miller's testimony which was that it was essentially
13 Mr. C█████' choice to continue to do those over the
14 phone. He had disagreements with his mother over
15 C█████'s permanency, and ultimately he'd
16 preferred therapeutic visits, and did follow up on
17 that, but ultimately it was, I think, his decision
18 to continue those visits by phone.

19 So that's all I have for Your Honor. I'm
20 asking that the Court grant the petitions.

21 MR. LEHTO: Judge, there is just one thing I'd
22 like to point out. I understand that the State may
23 have said this, but the motion on June 5th, 2020,
24 the proposed placement was B█████ M█████. T█████
25 M█████ also testified in that process in front of

1 Judge Sanders, but it was B [REDACTED] M [REDACTED].

2 And my recollection of the testimony is
3 different, but I just wanted to point that out
4 T [REDACTED] M [REDACTED] testified before you, though, about
5 family and interest in having placement.

6 THE COURT: Any response, Mr. Kreger?

7 MR. KREGER: I do recall they was both listed.
8 Frankly, I'm confusing which one was actually
9 seeking placement. It was kind of the situation
10 where it was just both people requested it if I
11 remember correctly.

12 I'm looking back at the court record in
13 18JC208. I see on May 14th, 2019, that T [REDACTED]
14 M [REDACTED] testified. I don't see a B [REDACTED] M [REDACTED]
15 testifying that day. I don't know if I'm missing
16 something.

17 MR. LEHTO: Well, I can point the Court to
18 Document 50 in the TPR file. It is the motion I'd
19 filed that requests the interim proposed placement
20 of B [REDACTED] M [REDACTED]. So that's what we litigated, and
21 it's in the court record for this case.

22 THE COURT: What date was that filed because my
23 Document 50 is not that same document.

24 MR. LEHTO: February 12th, 2020. Now, it was
25 filed under 19TP65 and 18JC208. The reason I listed

1 the CHIPS number because that's the case that would
2 actually change the placement.

3 MR. KREGER: Okay. So just to be clear we're
4 talking about two change of placements? One in 2019
5 you litigated, right? That was T [REDACTED]?

6 MR. LEHTO: Correct.

7 MR. KREGER: And there was 2000 that was
8 litigated. B [REDACTED] testified in the dispositional
9 hearing.

10 MR. LEHTO: Right.

11 MR. KREGER: They were both denied.

12 MR. LEHTO: Correct.

13 THE COURT: Okay. Yeah. That clears it up.
14 There were two of them. That's right. One was in
15 May of 2019, and one was filed in February of 2020,
16 and then subsequently litigated.

17 All right. Just give me one second. I
18 wanted to look for something real quick.

19 All right. Well, this is obviously a very
20 difficult case. It's very complex. There are lot
21 of parties, and there are a lot of children and a
22 lot of parents, and obviously my focus is the best
23 interests of these children, and I will consider
24 each of them separately as I'm required to do.

25 The first thing I would say is that it is

1 difficult for me to go back and relitigate placement
2 decisions that were previously made. I recognize I
3 can still consider them anew, but there are number
4 of things that I would say about that.

5 So, you know, V█████ R█████ would
6 effectively be a brand new placement
7 three-and-a-half years into this story. It doesn't
8 sound like C█████ has a very intimate
9 relationship with her although it sounds like she
10 knows her. She is not the great grandmother of any
11 of the other two children that are at issue here.

12 L█████ R█████ did, in fact, have
13 placement for a period of time but was unable to
14 continue that and actually asked for the children to
15 be removed or maybe it was just C█████. I'm not
16 one hundred percent certain, but in any event she'd
17 asked for that removal and asked for her to go with
18 the S█████s, and it was just C█████ to be
19 with her sibling.

20 Both T█████ M█████ and B█████ M█████ have
21 been previously litigated, and I do think just
22 looking at the testimony in this disposition while,
23 of course, keeping the children together have been
24 the primary focus I don't think it's been the only
25 focus.

1 So there were safety concerns with
2 T██████████. For example, her alignment with Mr.
3 W██████████. Really pretty radical alignment and
4 unwillingness to even acknowledge the severity of
5 the crimes he has committed created a safety
6 concern, but I think there was also testimony that
7 she had pill bottles around the home? Yup.

8 That was testified to. I'm looking at the
9 transcript from April 23rd. I'm looking at
10 page fourteen starting on line seven. Some of the
11 reasons T██████████ M██████████ -- there were concerns for
12 safety with her quote "She had pill bottles within
13 the home within the children's reach as a caregiver
14 to her husband." So I'm not saying it's drug use.
15 I'm just saying there were concerns of access and
16 safety for the kids.

17 And in terms of B██████████ again that that's
18 higher litigation that I don't think I have seen in
19 this particular case, and, of course, C██████████ did
20 testify, C██████████ J██████████, and, of course, H██████████
21 is with her.

22 I think the thing that is most salient
23 about this case is how long it's been going on and
24 how little progress has been made by the parents on
25 behalf of these kids.

1 Now, Mr. C█████ is probably the exception.
2 In his own life he is obviously getting it together.
3 I believe he's married or with a fiancée. He's got a
4 ring on his hand. So I think he's married. I think
5 he has other children living in his home.

6 He's got just multiple certifications
7 professionally. He's got two jobs. He's got a
8 steady home. All of that is great, but what I don't
9 understand is why there hasn't really been any
10 significant effort on his part to actually get his
11 child into his home?

12 You know, the fact that there are still
13 only home visits -- excuse me -- phone visits
14 happening. Now, the testimony that's come in is Mr.
15 C█████ has seen C█████ in person through other
16 means when his mother visits with her or perhaps
17 when Ms. M█████ has visits he calls in.

18 But Mr. C█████ hasn't really done what
19 would be needed to get C█████ to come home, and
20 conceivably he could have given the other aspects of
21 stability in his life, but he really hasn't
22 progressed very far in consistently showing up for
23 C█████ and consistently meeting in her needs and
24 consistently advocating that she should come home,
25 and so, you know, here we are a long, long ways into

1 this litigation.

2 Mr. W [REDACTED] obviously is incapacitated
3 and unable to care for M [REDACTED] through his own
4 actions, and indeed they were very significant
5 actions and significant injuries to C [REDACTED] and
6 some injuries to H [REDACTED] who isn't even his child.
7 Regular domestic violence with the mother. That
8 time in the children's lives, I think, was pretty
9 bad.

10 There was testimony about how when they
11 were living in a hotel room for a period of time,
12 that the little kids had to stand and face the
13 corner while the adults had sex right next to them
14 in the bed. It is not a pretty picture, and, you
15 know, for Mr. J [REDACTED], you know, he left H [REDACTED] in
16 that position basically.

17 So Mr. W [REDACTED] has, you know, made
18 choices that obviously are not in M [REDACTED]'s best
19 interests, and he's going to be incarcerated, I
20 think, until 2024. So he has a number of years left
21 on his sentence.

22 He has shown a very active interest in
23 M [REDACTED]. That is certainly true throughout the CHIPS
24 and this litigation, but it is not like M [REDACTED] could
25 turn around and be placed with Mr. W [REDACTED] in 2024.

1 There would be many safety concerns.

2 In fact, she would have been out of his
3 care for basically her whole life. I don't think
4 that's a realistic option.

5 Mr. J [REDACTED] just doesn't seem to show up.
6 He has kind of been in and out of contact with
7 H [REDACTED]. I think that has caused H [REDACTED] some
8 substantial, emotional distress. I think there was
9 testimony to that effect of how much he had hurt her
10 when he was inconsistent or would fail to show up.

11 And then Ms. M [REDACTED], you know, my heart
12 goes out to Ms. M [REDACTED]. She obviously has
13 significant, organic mental health issues. She has
14 struggled with drug and alcohol abuse and addiction.
15 She's been the victim of significant violence.

16 Those are hard things to overcome, but the
17 reality is Ms. M [REDACTED] has not overcome them. She is
18 no where near being able to parent these children
19 safely, and so what these children are left with is
20 just significant instability. Significant inability
21 to safely and productively parent them.

22 And so I've got look at what do the kids
23 need now? What is the best choice for the Court
24 amongst a list of choices that frankly are not
25 great, right? I would much rather these kids get to

1 go home, but that is obviously not where we are.

2 In terms of the statutory factors I do
3 think each of these children are likely to be
4 adopted if I grant the termination. Now, I
5 recognize the S██████s have not been here for me
6 to hear their testimony, and that could have been
7 good, but I would note that they have been present
8 in these that children's lives for a very
9 significant period of time, and they have
10 continually shown up for M██████ and C██████ and
11 for quite a while for H██████.

12 So M██████ has been with them since August
13 of 2018 which is almost her whole life. I'm certain
14 that M██████ does not have my conscious memory of any
15 other home.

16 C██████ has been with them since August
17 of 2019. So we're working on more than two years
18 now. C██████ is obviously older. So she
19 certainly has memories from before that placement.
20 She's nine.

21 As indicated, she was with L██████
22 R██████ for a period of time, and then she was --
23 she did live with her mom for six years although Ms.
24 M██████ testified that she was actually was out of
25 her home informally for one of those six years, but

1 as I noted, the time in the home has not been -- was
2 not positive for the kids.

3 I think the S██████████s have demonstrated
4 they're commitment to M██████████ and C██████████ and to
5 facilitating familial relationships. They've just
6 been doing it. I don't think there is any dispute
7 on the record that they have regular contact with
8 L██████████ R██████████, that they have regular contact
9 with other extended family members, and with Ms.
10 M██████████.

11 It is sad that they were not able to keep
12 H██████████, and that's obviously a concerning fact in
13 this case, and it goes against the effort that was
14 really diligently made to keep the children
15 together, but you can't really predict how things
16 are going to evolve.

17 And unfortunately H██████████ has had very
18 significant mental health issues, and, you know, the
19 S██████████s made the best decision they could make.
20 They have other children in the home in addition to
21 C██████████ and M██████████. I believe they have some of
22 their own kids and then at least during prior
23 testimony another foster child. I don't know for
24 sure if that child is still in their home, and then,
25 of course, now they have F██████████ and A██████████.

1 Stability and permanency. A solid foundation where
2 H██████ can restabilize and get the mental health
3 services she needs and knows that she belongs
4 somewhere, and because H██████ is Mr. J██████'s
5 sister I'm confident that she will facilitate that
6 relationship moving forward.

7 The S██████s are fully licensed. As I
8 said, they have demonstrated their ongoing
9 commitment not only to C██████ and to M██████ but
10 really to this whole extended family taking F██████
11 and A██████ and developing relationships with
12 parents and extended family.

13 The age and health of the children at the
14 time of the removal today at the time of
15 disposition. I don't think they've had any
16 significant health issues at the time of removal
17 although I believe one of them -- now I can't
18 remember which one -- had needs for significant
19 dental care. She didn't have any teeth pulled at
20 the time of removal because she hadn't been to a
21 dentist for so long, I think.

22 Let me go back to my transcript and
23 annotations. It will probably remind myself which
24 child that was.

25 MS. FLEMING: I think it was H██████.

1 THE COURT: It was H[REDACTED]. Okay. Yes.
2 You're right. I just found it. That is on
3 page twenty-three of the transcript from April 23rd.

4 That suggests a significant level of
5 neglect from going back to my suggestion earlier
6 about the conditions in the home, but at present
7 C[REDACTED] and M[REDACTED] don't really seem to have any
8 significant health or mental health issues. I know
9 C[REDACTED] has had some on again off again therapy,
10 but overall she seems to be doing pretty well.

11 Neither of them have any significant
12 physical health issues, and so even again H[REDACTED]
13 is really for whatever reason the child that seems
14 to have responded with the greatest trauma response
15 to the experiences of this family, and I'm hopeful
16 that she's turning the corner in her new placement
17 and with the treatment she's getting.

18 I love the fact that she's doing in-home
19 therapy which is so different than having to go to
20 Rodgers. Not that Rodgers wasn't the right decision
21 at the time, but it's so much better for that to be
22 integrated into the home.

23 In terms of substantial relationships I
24 think it's hard for me to gauge how substantial it
25 is with Ms. M[REDACTED]. People talk about substantial,

1 parental relationship; substantial, emotional
2 relationship; substantial, emotional bond. I think
3 the statute language is substantial relationship
4 with the parents and other family members.

5 Obviously, C [REDACTED] and H [REDACTED] have
6 lived with Ms. M [REDACTED] for not an insignificant
7 period early in their life. Again, however, it was
8 pretty negative, and I think it is a fair inference
9 that she was perceived on a kid level. I'm using
10 adult language. So you have to translate it into
11 kid thought, but she was not protective of them.

12 And that is not a criticism of Ms. M [REDACTED].
13 That is unfortunately one of the dynamics of
14 domestic violence. I guess one criticism is that,
15 you know, she probably should have upped and left
16 with everyone a long, long time ago.

17 Mr. W [REDACTED] was a really toxic element in
18 this family consolation. So it's hard to know how
19 exactly substantial those relationships are with Ms.
20 M [REDACTED].

21 I think it's fair to infer that with
22 M [REDACTED] it is not substantial. She was so little at
23 the time of removal, and contact has been sporadic.
24 Sometimes consistent. Sometimes not consistent.
25 Sometimes in person. Sometimes virtual.

1 I think it's tough to have that be
2 substantial. There was testimony previously from a
3 case manager that she didn't believe it was
4 substantial.

5 In terms of Ms. M■■■■■■'s relationship with
6 H■■■■■■ and C■■■■■■ I'm going to look at them
7 together just because they're so close in age and
8 lived with her for longer. Obviously, they love
9 their mom, and there has been testimony that they
10 even said at times that they wish they could live
11 with her.

12 Certainly, it's the actual desire of any
13 child, you know, to live with their mom. The
14 problem is, you know, they can't live with Ms.
15 M■■■■■■. She's not able to provide a safe home.

16 You know, again I can't exactly say there
17 was testimony that it was not substantial from the
18 case manager. Again, it's hard for me to say for
19 sure, but even assuming it's substantial I think I'm
20 going to have to rely on the adults to make good
21 decisions for these kids, and so far the S■■■■■■s
22 have been doing so.

23 There is always some harm in severing the
24 legal relationship with their mom, but I think that
25 would be offset by the continued contact. I don't

1 think that that harm of severing that legal
2 relationship can outweigh all of these other
3 factors.

4 I don't think M██████ has a substantial
5 relationship with Mr. W██████. I think it's
6 difficult for that to occur remotely with such a
7 young child. I know that Mr. W██████ cares a lot
8 about her. I'm sure she knows who Mr. W██████ is,
9 but I don't think that's a substantial relationship,
10 and I don't think she would be harmed by severing
11 it.

12 I don't think that H██████ has a
13 substantial relationship with Mr. J██████. That it
14 seems like that has kind of been an in and out type
15 of relationship, but I don't think as a result she
16 would be harmed of severing that.

17 It's hard for me to judge whether the
18 relationship between C██████ and Mr. C██████ is
19 substantial. I think again I'm going to rely on the
20 adults to make those good decisions to mitigate any
21 harm.

22 These kids are too little to offer their
23 wishes under this very complex circumstances. They
24 have been separated from their parents for roughly
25 three-and-a-half years.

1 For M [REDACTED] that's basically her whole
2 life. For H [REDACTED] that's close to half of her
3 life, and for C [REDACTED] a little bit less than
4 that. It is a significant period of time especially
5 for kids as little as they are.

6 I think that key factor is the need for
7 stability and permanency. I think that these kids
8 need to be done with this roller coaster. If the
9 parents have wanted to get the kids back, there has
10 been a lot of water that has passed under the
11 bridge, and they haven't been able to make it
12 happen.

13 As I said, I can't really go back and
14 relitigate some of those placement decisions, but I
15 think it appears there were good reasons for them.

16 I don't think it's in these kids best
17 interests to throw them back in to the CHIPS process
18 and see what would stick especially given the fact
19 that there was prior litigation about this. I don't
20 hold out high hope for that to work out any
21 differently.

22 The S [REDACTED]s have stepped up for this
23 family, and they've done so in a really significant
24 way, and I think we're going to have to trust them
25 to continue to do so.

1 These kids have substantial relationships
2 with each other. Obviously, a termination and
3 adoption with the S■■■■■■s will keep that
4 relationship between C■■■■■■ and M■■■■■.

5 Already we have testimony and there has
6 been multiple witnesses who have testified to the
7 S■■■■■■s continuing contact with H■■■■■■ with
8 overnights and with day visits. Again, I have to
9 trust that that legal relationship when severed, the
10 harm will be mitigated by that continued contact.

11 I don't know what will happen with F■■■■■
12 and A■■■■■, and I can't really get into that. It
13 is not really to be determinative for this Court.

14 I think that C■■■■■■ has a very
15 meaningful relationship with her grandmother, V■■■■■
16 R■■■■■, and may even be a substantial one, but
17 again the S■■■■■■s have demonstrated their
18 commitment to continuing that relationship, and so I
19 think whatever harm will occur from severing that
20 legal relationship can be mitigated by that.

21 It's hard for me to judge the substantial
22 -- the level of substantial relationship between
23 these three and F■■■■■ and A■■■■■. I'm sure that
24 it is an important relationship, but again I think
25 any harm to severing the legal relationship Court's

1 going to rely on the foster parents and others
2 involved to address that.

3 Effectively, what it boils down is these
4 kids needs permanency and stability, and the parents
5 are not able to provide that. Familial placements
6 that could have been used for a transfer of
7 guardianship have not panned out and have been
8 litigated. To start over with V [REDACTED] R [REDACTED] at
9 this point I think would be awfully disruptive for
10 these kids who have already suffered just a
11 tremendous amount of disruption in their lives.

12 So I am going to order the termination of
13 the parental rights of each of these parents.

14 I order that guardianship and custody of
15 the children be transferred to DMCPS pending
16 adoption, and that Mr. Lacera remain on the case
17 pending adoption as well.

18 I want to thank the lawyers for your
19 zealous advocacy. I'm sorry to the parents for this
20 sad decision today. I recognize that it's hard for
21 you guys. Thanks.

22 So if the State and guardian ad litem
23 could stay.

24 MR. KREGGER: Oh, okay. I have to submit orders
25 yet.

1 THE COURT: So we had set a continuation of
2 this hearing for October 27th at one-thirty. I will
3 vacate that.

4 We have a permanency hearing set by zoom
5 on December 20th at two, and we can check in on how
6 things are looking at that time. I'm guessing there
7 will be appeals in this case.

8 Anything else we need to address this
9 morning?

10 MR. KREGGER: Not from the State, Your Honor.

11 MR. LACERA: No, Your Honor.

12 THE COURT: Okay. Thanks, everybody. Maybe it
13 would be good to find a date that's not scrunched in
14 there like that. Let me just see here.

15 So we have until January 7th. So I'm
16 going to vacate that permanency hearing date. Let's
17 get a different one that's not conflicting with the
18 Court trial.

19 (Whereupon, a discussion was held off the
20 record to set a date.)

21 THE COURT: January 6th at eight-thirty for
22 permanency. All right. Thanks.

23

24

25

FILED
09-22-2021
John Barrett
Clerk of Circuit Court
2019TP000225

BY THE COURT:

DATE SIGNED: September 20, 2021

Electronically signed by Ellen R. Brostrom
Circuit Court Judge

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY

IN THE INTEREST OF

Amended

C M
Name

Order Concerning Termination of Parental Rights
(Involuntary)

01/31/2012
Date of Birth

Case No. 2019TP000225

This termination of parental rights hearing was held on [Date] September 20, 2021, which is the effective date of this Order.

THE COURT FINDS:

- 1. Notice was given to all those entitled to notice.
2. The provisions of the Indian Child Welfare Act do not apply. An inquiry has been made on the record to each participant in this proceeding as to whether the participant knows or has reason to know that the child is an Indian child.

- 3. The parent(s) are
A. Parent #1's name: B M Date of birth: 01/03/1991
B. Parent #2's name: J D. C Jr. Date of birth: 11/18/1990
C. Other possible parent(s):

- 4. There was no declaration of paternal interest.
5. Name(s) failed to appear at the hearing, and is/are in default.

6. This matter was tried to a jury the court.
The following grounds for termination of the parental rights of B M and J D. C Jr. were found to exist:

Table with 2 columns: Parent #1, Parent #2 and a list of grounds for termination such as abandonment, relinquishment, continuing need of protection or services, etc.

- homicide or solicitation to commit homicide of parent
- parenthood as a result of sexual assault
- commission of a felony against a child
- prior involuntary termination of parental rights to another child

7. Parent #1 Parent #2 is unfit.

8. It is in the best interest of the child that the parental rights of the Parent #1 Parent #2 (s) be terminated after considering the following factors:

- The likelihood of the child’s adoption after termination.
- 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.
- 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.
- The wishes of the child.
- The duration of the separation of the parent from the child.
- 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.

9. Reasonable efforts to achieve the permanency goal of the permanency plan, including through an out-of-state placement if appropriate, were *[Complete one of the following only if there is a permanency plan]*

- made by the department or agency responsible for providing services.
TPR litigation, Ongoing Case Management, Child Placed with an Adoptive Resource.
- not made by the department or agency responsible for providing services.

10. Any parent who has appeared was informed of the provisions of §§48.432, 48.433 and 48.434, Wis. Stats.

11. Other: _____

12. The evidence does not warrant the termination of the parental rights of [Name] _____.

THE COURT ORDERS:

- 1.A. The parental rights of [Name of Parent(s)] B. [REDACTED] M. [REDACTED] and J. [REDACTED] D. C. [REDACTED] Jr. is/are terminated. Guardianship, placement and care responsibility, and custody of the child
 - remain with the parent whose rights have not been terminated.
 - are transferred pending adoption to Division of Milwaukee Child Protective Services.
 - Other: _____

If guardianship or custody is transferred to an agency, that agency shall be responsible for securing the adoption of the child or establishing the child in a permanent family setting. The child's permanency plan was filed. is attached. will be filed within 60 days. The provisions of §§48.432, 48.433 and 48.434, Wis. Stats., are attached.

1.B. The Petition to Terminate Parental Rights of [Name] _____ is dismissed.

2. Other: GAL Appointment and CHIPS Order to continue pending adoption.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

FILED
06-21-2022
George L. Christenson
Clerk of Circuit Court
2019TP000225

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

In re the termination of parental rights to C [REDACTED] M. M [REDACTED]

STATE OF WISCONSIN,

Petitioner,

Case No. 19-TP-225

v.

J [REDACTED] C [REDACTED]

Respondent.

RESPONDENT J [REDACTED] C [REDACTED] S NOTICE OF APPEAL

TO: Clerk of Circuit Courts
Milwaukee County
901 N. 9th St.
Milwaukee, WI 53233

District Attorney
Milwaukee County
821 W. State St.
Milwaukee, WI 53233

Julian Lacera
Guardian ad Litem
10201 W Watertown Plank Rd.
Milwaukee, WI 53226

Sheila Reiff
Clerk of the Supreme Court
and Court of Appeals
110 East Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Steven Zaleski
10 E. Doty St.
Madison, WI 53703

NOTICE IS HEREBY GIVEN that the respondent J [REDACTED] C [REDACTED] in the above-captioned case appeals to the Court of Appeals, District I, from the final dispositional order terminating his parental rights, which was entered on September 22, 2021, in the Circuit Court for Milwaukee County, the Honorable Ellen R. Brostrom, presiding.

This is an appeal within Wis. Stat. § 752.31(2).

This is an appeal to be given preference pursuant to statute.

The final transcript was served on undersigned counsel on May 20, 2022.

Dated this 7th day of June, 2022.

Attorney for Respondent
2544 N. 84th St.
Wauwatosa, WI 53226
Tel. (414) 220-0003
bsimerson@simersonlaw.com

SIMERSON LAW LLC

/s/ Electronically signed by Brent A. Simerson
Brent A. Simerson, WBN 1079280

Dated this 7th day of June, 2022.

RESPONDENT J [REDACTED] C [REDACTED]

[REDACTED SIGNATURE]

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 15, 2022

Sheila T. Reiff
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2021AP1476

Cir. Ct. No. 2020TP34

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

IN RE THE TERMINATION OF PARENTAL RIGHTS TO A.G., A PERSON UNDER THE AGE OF 18:

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

v.

A.G.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
ELLEN R. BROSTROM, Judge. *Reversed and cause remanded with directions.*

¶1 DONALD, P.J.¹ A.G. appeals an order of the trial court terminating his parental rights to Anna² as well as an order denying his post-disposition motion to withdraw his no contest plea. A.G. seeks to withdraw his plea on the grounds that it was not knowing, intelligent, and voluntary. On appeal, A.G. contends that the trial court erred in denying his post-disposition motion without holding an evidentiary hearing. For the reasons set forth below, we agree and therefore reverse the order denying the post-disposition motion and remand for an evidentiary hearing.

BACKGROUND

¶2 On February 13, 2020, the State filed a petition to terminate A.G.’s parental rights to Anna.³ The petition alleged that Anna was a child in continuing need of protection or services (continuing CHIPS) and that A.G. had failed to assume parental responsibility.

¶3 A hearing on the petition was held on June 1, 2020.⁴ The circuit court explained A.G.’s rights in connection with a termination of parental rights proceeding and how the proceedings worked. A.G. requested a jury trial.

¹ This appeal is 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.

² A.G. and his daughter share the same initials. We use the pseudonym “Anna” to refer to A.G.’s daughter for ease of reading.

³ The State also petitioned to terminate Anna’s biological mother’s rights. This decision focuses on the facts and the proceedings as they relate to A.G.

⁴ The Honorable Mark A. Sanders presided over the hearing on the petition. The Honorable Ellen R. Brostrom presided over the plea hearing, the dispositional hearing, and the post-disposition proceedings. We refer to Judge Sanders as the circuit court and Judge Brostrom as the trial court.

¶4 Ten months later, on April 13, 2021, A.G. pled no contest to the ground of continuing CHIPS and the failure to assume parental responsibility ground was dismissed.⁵ In support of A.G.'s plea, testimony was taken from the case manager, K.K. The trial court found that A.G. was unfit, and the matter proceeded to disposition. After testimony and argument, the court found that it was in Anna's best interests to terminate A.G.'s parental rights.

¶5 A.G. filed a post-disposition motion seeking to withdraw his no contest plea on the basis that his plea was not knowing, intelligent, and voluntary. A.G. alleged that the trial court failed to establish during the plea colloquy that he understood the potential dispositions that may occur after the entry of a no contest plea. A.G. also alleged that the court improperly explained the statutory standard that would apply at disposition.

¶6 After additional briefing, a hearing took place on November 12, 2021. At the hearing, the trial court denied A.G.'s motion without taking evidence. The court found that A.G. failed to make a prima facie case that his plea was not knowing, voluntary, and intelligent. This appeal follows. Additional relevant facts will be discussed below.

DISCUSSION

¶7 On appeal, A.G. renews his arguments that during the plea colloquy: (1) the trial court failed to establish that A.G. understood the potential dispositions

⁵ At a previous hearing, on October 15, 2020, A.G.'s counsel indicated that A.G. wished to plead no contest to the grounds phase. After appearing for the hearing via Zoom for a short period of time, A.G. left the hearing due to an internet issue. The trial court found him in default. Subsequently, on April 13, 2021, the default judgment was vacated.

that may occur after the entry of a no contest plea; and (2) the trial court failed to properly explain the statutory standard it would apply at disposition. A.G. contends that the court erred in denying his post-disposition motion without an evidentiary hearing. As discussed below, we conclude that A.G. is entitled to an evidentiary hearing on both of his claims.

¶8 A plea in a termination of parental rights case must be entered knowingly, voluntarily, and intelligently. *Kenosha Cnty. DHS v. Jodie W.*, 2006 WI 93, ¶24, 293 Wis. 2d 530, 716 N.W.2d 845. Prior to accepting a plea of no contest to a termination petition, the trial court is required to engage in a personal colloquy with the parent. See WIS. STAT. § 48.422(7); *Oneida Cnty. DSS v. Therese S.*, 2008 WI App 159, ¶5, 314 Wis. 2d 493, 762 N.W.2d 122.

¶9 When a parent alleges that a plea was not knowingly, intelligently and voluntarily entered, we use the analysis set forth in *State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986). See *Therese S.*, 314 Wis. 2d 493, ¶6. Under *Bangert*, a post-disposition motion “must make a prima facie showing that the [trial] court violated its mandatory duties and must allege the parent did not know or understand the information that should have been provided at the hearing.” *Therese S.*, 314 Wis. 2d 493, ¶6; *State v. Brown*, 2006 WI 100, ¶39, 293 Wis. 2d 594, 716 N.W.2d 906.

¶10 If a motion establishes a prima facie violation of a court mandated duty and makes the requisite allegations, “the court must hold a postconviction evidentiary hearing[.]” *Brown*, 293 Wis. 2d 594, ¶40. At the evidentiary hearing, the burden shifts to the State “to show by clear and convincing evidence that the ... plea was knowing, intelligent, and voluntary despite the identified inadequacy of the plea.” *Id.* To meet its burden, the State “may rely ‘on the totality of the

evidence, much of which will be found outside the plea hearing record.” *Id.* (citation omitted). This includes testimony and transcripts from prior hearings. *Id.*

¶11 Whether a parent has presented a prima facie case by pointing to deficiencies in the plea colloquy and has sufficiently alleged that he or she did not know or understand information that should have been provided is a question of law that we review *de novo*. *Therese S.*, 314 Wis. 2d 493, ¶7.

¶12 To start, as set forth in A.G.’s post-disposition motion, A.G. was not advised of the potential dispositions at the plea hearing. *See* WIS. STAT. § 48.422(7)(a) (stating that a trial court shall “[a]ddress the parties present and determine that [an] admission is made voluntarily with understanding of ... the potential dispositions”). In addition, A.G. alleged that he did not understand the potential dispositions. Thus, because A.G. established a prima facie case that there was a violation of a mandatory court duty, and sufficiently alleged that he did not know information that should have been provided at a plea hearing, we conclude that A.G. is entitled to an evidentiary hearing on his first claim. *See Brown*, 293 Wis. 2d 594, ¶40.

¶13 The State and the Guardian ad Litem (GAL) argue that A.G. is not entitled to an evidentiary hearing for reasons outside of the plea hearing, including that A.G. was informed of the potential dispositions at the hearing on the petition, which took place ten months before the plea colloquy.

¶14 We disagree. As our supreme court stated in the context of a criminal case, the “right to an evidentiary hearing under *Bangert* cannot be circumvented by either the court or the State asserting that based on the record as a whole the defendant, despite the defective plea colloquy, entered a constitutionally

sound plea.” *State v. Howell*, 2007 WI 75, ¶7, 301 Wis. 2d 350, 734 N.W.2d 48. Thus, “[i]n keeping with *Bangert*, we examine the record at the plea hearing[.]” *Howell*, 301 Wis. 2d 350, ¶7. And, here, as stated above, A.G. met the requirements under *Bangert* to obtain an evidentiary hearing.

¶15 On remand, at the evidentiary hearing, the State and the GAL will have an opportunity to present evidence outside the plea hearing that A.G. understood the potential dispositions. See *Brown*, 293 Wis. 2d 594, ¶40 (stating that “[i]n meeting its burden, the [S]tate may rely ‘on the totality of the evidence, much of which will be found outside the plea hearing record.’” (citation omitted)).⁶

¶16 Likewise, we also conclude that A.G. was entitled to an evidentiary hearing on his second claim. At a plea hearing, a parent must be informed of the statutory standard that applies at disposition. See *Therese S.*, 314 Wis. 2d 493, ¶16.

¶17 In this case, as set forth in A.G.’s post-disposition motion, during the plea colloquy, the trial court informed A.G. that in the grounds phase, he had a “whole bunch” of rights, including “the right to force the State to prove the grounds by clear, convincing, and satisfactory evidence to a reasonable certainty.” Subsequently, in regards to the dispositional hearing, the court stated that the “second half of the case is where the court decides is it in the child’s best interest

⁶ In support of its argument, the GAL cites *Waukesha Cnty. v. Steven H.*, 2000 WI 28, 233 Wis. 2d 344, 607 N.W.2d 607. *Steven H.*, however, is distinguishable. There, the parent failed to assert, as required by *Bangert*, that he did not know or understand information that should have been provided. *Steven H.*, 233 Wis. 2d 344, ¶43. Further, we note that in *Steven H.*, an ineffective assistance of counsel evidentiary hearing was held which “addressed similar issues.” *Id.*, ¶¶14, 43, 50.

to in fact terminate your parental rights.” The court then stated that A.G. would “have all those same trial rights today for that second half.” However, contrary to the court’s statement, at the dispositional hearing, the “same trial rights” do not apply. There is not a burden of proof placed on the State. See WIS. STAT. § 48.426(2).

¶18 The State and the GAL suggest that a misunderstanding about the burden of proof is “irrelevant” because the trial court stated it would decide whether it is “in the child’s best interest” to terminate A.G.’s parental rights. In support, the State and the GAL point to *State v. T.A.D.S.*, No. 2018AP2173, unpublished slip op. (WI App June 18, 2019).⁷ *T.A.D.S.*, however, is distinguishable.

¶19 In *T.A.D.S.*, the trial court advised the parent that “at the disposition phase the [c]ourt would have to make a finding that the driving factor, the most important factor at the disposition phase, would be what’s in [the child’s] best interest.” *Id.*, ¶4. The court also told the parent that “at the disposition phase the State would still have that burden of proof of showing what’s in [the child’s] best interest[.]” *Id.* We concluded that the trial court’s comment about the burden of proof was irrelevant because “the court thoroughly explained T.A.D.S.’s rights at the disposition hearing, explained the potential outcomes and unequivocally stated that its primary consideration at disposition was [the child’s] best interest.” *Id.*, ¶13.

⁷ An unpublished opinion issued on or after July 1, 2009, that is authored by a single judge may be cited for its persuasive value. WIS. STAT. RULE 809.23(3)(b).

¶20 Here, unlike in *T.A.D.S.*, the trial court did not advise A.G. that the “driving factor” or “the most important factor” at the dispositional phase would be the child’s best interest. In addition, as discussed above, the court did not explain the potential outcomes. Thus, in the context of this particular case, we conclude that the plea colloquy defect was not irrelevant.⁸

¶21 Thus, because A.G.’s post-disposition motion established a prima facie case that the trial court failed to properly explain the statutory standard that would apply at the dispositional hearing and sufficiently alleged that he did not know information that should have been provided, we conclude that he is also entitled to an evidentiary hearing on his second claim. See *Brown*, 293 Wis. 2d 594, ¶40.

¶22 Therefore, for the reasons stated above, we reverse the order denying A.G.’s post-disposition motion, and remand this matter for an evidentiary hearing. We note, however, that we are not determining whether the trial court should ultimately grant or deny A.G.’s motion to withdraw his plea. As stated above, at the evidentiary hearing, the State will have an opportunity to present evidence relating to A.G.’s knowledge and understanding of the potential dispositions and the statutory standard that applies at disposition.

By the Court.—Order reversed and cause remanded with directions.

⁸ We note that the GAL also argues that any error regarding the statutory standard at disposition was “harmless error.” The GAL, however, does not provide any legal support for its harmless error analysis, and therefore, we do not consider it further. *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (“Arguments unsupported by references to legal authority will not be considered.”).

This opinion will not be published. See WIS. STAT.
RULE 809.23(1)(b)4.

**COURT OF APPEALS
DECISION
DATED AND FILED**

July 19, 2022

Sheila T. Reiff
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2022AP89
STATE OF WISCONSIN**

Cir. Ct. No. 2020TP242

**IN COURT OF APPEALS
DISTRICT I**

**IN RE THE TERMINATION OF PARENTAL RIGHTS TO G.H., A PERSON UNDER THE
AGE OF 18:**

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

v.

M.B.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
ELLEN R. BROSTROM, Judge. *Affirmed.*

¶1 DUGAN, J.¹ Mary appeals an order of the trial court terminating her rights to her daughter.² Mary argues that her no-contest plea was not entered knowingly, intelligently, and voluntarily as a result of a defect in the plea colloquy. She further argues that the trial court erroneously exercised its discretion at the disposition hearing and relied on facts that are not supported by the record when it terminated her parental rights. This court disagrees, and for the reasons set forth below, this court affirms.

BACKGROUND

¶2 The State filed a petition to terminate Mary's parental rights to her daughter on November 4, 2020.³ The petition alleged that Mary failed to assume parental responsibility and that her daughter continued to be a child in need of protection or services (CHIPS). While Mary suffered from mental health, hoarding, and substance abuse issues for many years, Mary was particularly overcome with stress and anxiety and experienced the return of substance abuse issues following the death of Grace's father in 2019. As a result, Mary was left physically unable to move for hours at a time, and Mary would sometimes spend days at a time in bed. Mary's hoarding issues also rendered her unable to care for her daughter and provide a safe and clean living environment.

¹ This appeal is 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.

² For ease of reference and to protect the confidentiality of the proceedings, pseudonyms will be used to refer to the mother and daughter.

³ The petition was originally filed on November 2, 2020. However, Mary was not married to Grace's assumed father, and therefore, an amended petition was filed on November 4, 2020, to add the termination of the rights of any unknown father.

¶3 Mary entered a no-contest plea to the CHIPS grounds. The trial court conducted a plea colloquy and informed Mary that she had “a right to a jury trial or a trial to me, the judge, if that’s what you wanted, to decide whether or not the State has proven a ground, or a reason, to terminate your parental rights.” The trial court further informed Mary that “at that trial the State would have to prove by clear, convincing, and satisfactory evidence that in fact at least one of those grounds has been proven” and “the State would do that by calling witnesses to the stand.” The trial court further informed Mary, “You would have the right to cross-examine them. You would also have the right to introduce your own evidence. You would have the right to use subpoenas to require witnesses to come to court and testify for you.” The trial court also informed Mary, “You would also have the right to testify yourself, or you could remain silent; although, silence can be used against you in this case because it’s not criminal. You have all those trial rights that I’ve just listed whether it’s tried to the judge or to a jury.”

¶4 The trial court continued by explaining the effect her plea had on the second phase of the proceedings:

I just want to make sure you understand that by pleading no contest in the grounds phase, this first half of the trial, you’re not agreeing that it’s in [Grace]’s best interest that your parental rights be terminated. You’re still keeping the right to fight about that at a later date.

Mary responded in the affirmative, and the trial court further informed Mary about the second phase of the proceedings:

Now, at that second phase that we talked about where I decide whether it’s in [Grace]’s best interest to have your parental rights be terminated, you again have a right to a trial about that, although, it’s just a trial to me, the judge, not to a jury. *You’ll have all those same trial rights that I just listed before.* Do you understand that by pleading no contest today you’re not giving up any of those rights?

(Emphasis added.) Following the colloquy, the trial court accepted Mary’s no-contest plea.

¶5 The case proceeded to the dispositional phase, and the trial court held a hearing on June 22, 2021, at which Mary, the original case manager, the current case manager, the mother from Grace’s current placement, and an individual who had conducted a bonding assessment testified.⁴

¶6 Overall, the testimony showed that Mary and Grace had a bond, and it was clear that Grace loved Mary. However, Grace’s attachment to Mary was insecure, and one of the case managers testified that Grace comforted Mary during visits because Mary was not properly controlling her mental health. Thus, while there were no signs of physical abuse and Grace was otherwise a healthy child, it was in Grace’s best interest to have Mary’s parental rights terminated to allow Grace to live in a home with a parent that provided the stability and support that Grace needed to have as a six-year-old child. As the case managers also testified, Mary struggled to control her mental health and hoarding issues and, because Mary had made little progress in doing so since Grace was removed from Mary’s home in 2019, it was not in Grace’s best interest to have Grace continue to wait until Mary was able to regain that control.

¶7 At the end of the hearing, the trial court found that it was in Grace’s best interest to terminate Mary’s parental rights. In so doing, the trial court found that Mary has “some significant issues that are very difficult to address and

⁴ The court notes that the transcript for the afternoon session of the June 22, 2021 disposition hearing can be found at Record No. 69. This record appears to be mislabeled as the afternoon session for the June 9, 2021 hearing. This court has reviewed all of the transcripts, and it does not appear that any are missing.

correct” that “have existed for about a decade in various forms” and “they haven’t ameliorated.” The trial court further found that “the most important thing for [Grace] right now is to have stability and permanency,” and Grace’s insecure attachment to Mary was “the harbinger” of Grace’s need for stability. The trial court also found that a guardianship was inappropriate because it would put Grace “in the middle of a never ending tug of war and manipulation” because Mary was “not always very good at keeping boundaries” and “remember[ing] that she’s the parent.”

¶8 Mary filed a motion for postdisposition relief, and the trial court held a hearing at which Mary and her trial counsel testified. The trial court denied Mary’s motion, and Mary now appeals. Additional relevant facts will be set forth below as needed.

DISCUSSION

¶9 On appeal, Mary argues that she is entitled to plea withdrawal because her plea was not knowing, intelligent, and voluntary as a result of a defect in the plea colloquy.⁵ She also argues that the trial court erroneously exercised its discretion at the disposition phase of the proceedings because it relied on facts that are not supported by the record. This court addresses each argument in turn.

⁵ Mary also raised an argument below that she is entitled to withdraw her plea because she received ineffective assistance of counsel. She does not raise an argument for ineffective assistance of counsel on appeal.

I. Mary's plea was knowing, intelligent, and voluntary

¶10 The burden-shifting analysis that our supreme court laid out in *State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986), applies when a parent in a termination of parental rights (TPR) proceeding alleges that a no-contest plea was not knowingly, intelligently, and voluntarily entered. *Oneida Cnty. DSS v. Therese S.*, 2008 WI App 159, ¶6, 314 Wis. 2d 493, 762 N.W.2d 122. “Under that analysis, the parent must make a prima facie showing that the circuit court violated its mandatory duties and must allege the parent did not know or understand the information that should have been provided at the hearing.” *Id.* If a parent makes a prima facie showing, “the burden shifts to the [petitioner] to demonstrate by clear and convincing evidence that the parent knowingly and intelligently waived the right to contest the allegations in the petition.” *Id.* This court “may examine the entire record, not merely one proceeding, and look at the totality of the circumstances to determine whether the circuit court’s procedures and determinations are sufficient.” *Waukesha Cnty. v. Steven H.*, 2000 WI 28, ¶42, 233 Wis. 2d 344, 607 N.W.2d 607. Whether the parent made a prima facie case is a question of law that this court reviews independently. *Brown Cnty. DHS v. Brenda B.*, 2011 WI 6, ¶27, 331 Wis. 2d 310, 795 N.W.2d 730.

¶11 Mary argues that her plea colloquy was defective because the circuit court misinformed her that she had the “trial right” to have the State prove by clear and convincing evidence at the disposition that it was in Grace’s best interest to terminate her parental rights, and she further argues that the record shows that she did not otherwise understand the appropriate burden that would apply at the disposition. The State and the guardian ad litem (GAL) argue that, even if the circuit court did misinform Mary of the State’s burden at the dispositional phase,

Mary was nonetheless aware of the standard that applied. This court agrees with the State and the GAL.

¶12 “[T]he parent must be informed of the statutory standard the court will apply at the second stage.” *Therese S.*, 314 Wis. 2d 493, ¶16. “That is, the court must inform the parent that ‘[t]he best interests of the child shall be the prevailing factor considered by the court in determining the disposition[.]’” *Id.* (citation omitted). As the State contends, Mary was fully aware that the standard to be applied at the disposition was the best interest of the child and that this was a determination made by the judge. During the plea colloquy, the trial court properly informed Mary that the disposition would be a trial to the court and the best interest of the child standard would apply. Specifically, the trial court stated, “Now, at that second phase that we talked about where I decide whether it’s in [Grace]’s best interest to have your parental rights be terminated, you again have a right to a trial about that, although, it’s just a trial to me, the judge, not to a jury.”

¶13 However, relying on *State v. A.G.*, No. 2021AP1476, unpublished slip op. (WI App. Feb. 15, 2022), Mary particularly takes issue with the trial court’s statement in which it referred back to “trial rights” that it listed as applicable to the grounds phase of the proceedings, and Mary argues that this misstated that the State bears a burden at the disposition that it does not have. In fact, Mary maintains that the State could stand utterly silent at the disposition because it has no burden at the disposition.

¶14 Assuming that Mary understood the trial court to be referring back to its statement that the State bears a burden of proving the grounds by clear, convincing, and satisfactory evidence when it used the phrase “trial rights,” the record clearly shows that Mary was otherwise informed that the standard

applicable to the disposition was the best interest of the child and that this was a determination left to the judge. This was all that was necessary to provide to Mary. See *Therese S.*, 314 Wis. 2d 493, ¶16.

¶15 Moreover, apart from the plea colloquy, a letter to Mary from her trial counsel correctly informed Mary of the standard applicable to the disposition, and the trial court also outlined the appropriate procedure for a TPR at the initial appearance, for which Mary was present. Additionally, as the trial court correctly highlighted at the postdisposition hearing, the State, as the petitioner seeking to terminate Mary’s parental rights, ultimately bears some burden at the disposition. “The State is the driving engine seeking that outcome,” and “it’s the State that’s going to have to convince the [c]ourt” that it is in the child’s best interest to terminate the parent’s rights.

¶16 Considering the totality of the circumstances, this court is not persuaded that Mary did not understand the standard applicable to the disposition, and therefore, Mary is not entitled to withdraw her plea as one that was not knowingly, intelligently, and voluntarily entered.

II. The trial court did not erroneously exercise its discretion

¶17 Mary additionally argues that the trial court erroneously exercised its discretion at the disposition and relied on facts that were not supported by the record when it rendered its decision to terminate her parental rights. Mary specifically points to the trial court’s findings that she suffered from mental health, substance abuse, and hoarding issues for ten years “without amelioration”; that Mary would seek to reverse a guardianship; and that terminating Mary’s parental rights would bring stability and permanency to her daughter. The State and the GAL argue that these facts as found by the trial court are supported by the record

and Mary's argument is merely a disagreement with the trial court's reasonable interpretation of the information with which it was presented. This court again agrees with the State and the GAL.

¶18 The decision to terminate parental rights is committed to the trial court's discretion. *State v. Margaret H.*, 2000 WI 42, ¶¶27, 32, 234 Wis. 2d 606, 610 N.W.2d 475. This court will not overturn a discretionary decision of the trial court if it applied a correct standard of law to the facts and reached a conclusion that a reasonable judge could reach. *Id.*, ¶32. The facts as found by the trial court are accepted unless they are clearly erroneous. *Steven H.*, 233 Wis. 2d 344, ¶51 n.18.

¶19 The individual who conducted the bonding assessment testified that she observed an insecure and disorganized attachment between Mary and her daughter. She explained that this type of insecure attachment is the result of a lack of trust that the child has in the caregiver, and she posited that Mary's lifestyle left Grace feeling unstable and insecure. She further explained that Grace clearly loved Mary, but the type of attachment that Grace exhibited demonstrated that Grace lacked trust in Mary. Moreover, when she performed the bonding assessment, she observed that Grace accepted, but did not initiate, affection with Mary.

¶20 The former case manager also testified about the visits that occurred over the course of this case. She explained that Mary's uncontrolled mental health and hoarding issues became a problem for continuing visits at Mary's home and resulted in the visits being moved from Mary's home to a facility where visits could be supervised. She further testified that Mary's mental health issues manifested themselves physically and Mary would spend days in bed, leaving her

unable to care for Grace, and there were times during the visits where Grace was attending to her mother instead of her mother attending to her. During the time that she was the case manager, she also did not see any improvement in Mary's mental health or hoarding issues, and Mary was not "any place near" being able to meet Grace's needs.

¶21 The current case manager provided similar testimony. She testified that Mary struggles to maintain appropriate boundaries with Grace, and she acknowledged that, while Mary had "taken steps," she believed that "as far as we are in the case, those steps are not quite big enough right now."

¶22 In short, this testimony is more than sufficient to support the facts as found by the trial court, and therefore, the trial court did not erroneously exercise its discretion at the disposition.

CONCLUSION

¶23 Accordingly, this court rejects Mary's arguments that her plea was not knowingly, intelligently, and voluntarily entered and that the trial court relied on facts that were not supported by the record and erroneously exercised its discretion. This court, therefore, affirms.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.


CERTIFICATION

I hereby certify that this electronic appendix is identical in content and format to the printed form of the appendix filed as of this date. A copy of this certificate has been served with the paper copies of this appendix filed with the Court and served on all opposing parties.

Dated this 17th day of October, 2022.

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