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CLERK OF WISCONSIN
SUPREME COURT

**STATE OF WISCONSIN
IN SUPREME COURT
Case No. 2021AP000970**

IN RE THE TERMINATION OF PARENTAL RIGHTS TO
A.S.M.,
A Child Under the Age of Eighteen.

STATE OF WISCONSIN,
Petitioner-Respondent,
v.

L.M.,
Respondent-Appellant.

**PETITION FOR REVIEW PURSUANT TO WISCONSIN
STATUTES SECTION 809.32(4)**

PETITION FOR REVIEW OF DECISION
IN THE COURT OF APPEALS, DISTRICT II
FILED SEPTEMBER 8, 2021

SUBMITTED BY:
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COMPLIANCE CERTIFICATE

I hereby certify that this Petition for Review conforms to the form and length requirements of Rule 809.19(8)(b) and (c) in that it is typewritten using a proportional font. The length of this Petition for Review is 1,268 words.

Dated this 16th of September 2021.

Electronically signed by:

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**PETITION FOR REVIEW PURSUANT TO WISCONSIN
STATUTES SECTION 809.32(4)**

The Petitioner, S.K., has requested appointed appellate counsel, Carl W. Chesshir, to file on his behalf, pursuant to Wisconsin Statutes Section 809.32(4), a Petition for Review of the adverse decision of the Court of Appeals in this case, filed September 8, 2021, which satisfies the requirements of Wisconsin Statutes Section 809.62(2)(d) and (f).

STATEMENT OF THE FACTS

A.S.M. was born on November 28, 2017 and detained from the parental home from birth. (R. 27; Court Report). A.S.M. was found to be a child in need of protection and services on May 29, 2018. (R. 14).

L.M. completed an AODA assessment on March 25, 2018 and no AODA services were needed. (R. 27). L.M. also completed a psychological evaluation on July 8, 2019. (*Id.*).

STATEMENT OF THE CASE

On October 31, 2019 a Petition for Termination of Parental Rights was filed to terminate the parental rights of L.M. to her child A.S.M. (R. 1).

An initial appearance was held on the petition on November 26, 2019. (R. 47). L.M. did not appear. The State moved to find L.M. in default. (*Id.* at 6). The court granted the request. (*Id.* at 8). The court then proceeded to hear testimony for prove up. (*Id.* at 9-16). The court found that the State established a factual basis for the continuing chips ground and the failure to assume parental responsibility ground and then made a finding of unfitness. (*Id.* at 26).

On December 12, 2019 an initial appearance was held. (R. 48). The court informed L.M. that a default judgment had been entered against her and that the court had made a finding of unfitness. (*Id.* at 3). The court advised L.M. of her rights. (*Id.* at 5-14). The court then set a status date. (*Id.* at 17).

On January 16, 2020 a status hearing was held. (R. 49). On this date, L.M. was represented by counsel and requested a motion hearing date for filing a motion to vacate the default judgment. (*Id.*

at 2-3). The court granted the motion hearing and set a date. (*Id.* at 4).

A motion hearing was held on February 18, 2020. (R. 50). L.M. moved the court for re-instatement of in-home visitations. (*Id.* at 3). The court issued instructions to the parties and then set a new court date. (*Id.* at 15-16). L.M.'s counsel informed the court that a motion to vacate had been filed, even though not received by the court, but that a motion to vacate would be filed by the next court date. (*Id.* at 19-20).

On February 27, 2020 a motion hearing was held. (R. 51). The court first addressed the visitation motion by providing further instruction on how to proceed. (*Id.* at 9). The court listened to arguments from counsel and then addressed L.M.'s motion to vacate the default judgment. (*Id.* at 9-20). The court denied L.M.'s motion to vacate the default judgment. (*Id.* at 28).

On April 17, 202 a dispositional hearing was scheduled. (R. 52). The hearing was held telephonically because of the Corona Virus and the court decided to adjourn to proceedings to an in-person hearing. (*Id.* at 2-5). All parties agreed to the adjournment. (*Id.* at 5-6). The court then conducted a permanency plan review

hearing and withheld making a determination as to a permanency goal. (*Id.* at 9-10).

A Dispositional hearing was held with the Zoom platform on July 21, 2020. (R. 53). The trial court heard testimony from Kristine Lyman, ongoing case manager. (*Id.* at 7-66). The court then heard testimony from L.M. (*Id.* at 67-84). The court then adjourned the proceedings to a future date for arguments from the parties and to issue a decision. (*Id.* at 93).

On August 17, 2020 by videoconferencing, the Dispositional hearing was continued. (R. 54). The court heard arguments of counsel and the recommendation from the Guardian ad Litem. (*Id.* at 3-14). The court then made the following finding:

I will find that it is in the best interest of [A.S.M.] to terminate the parental rights of [L.M.] and [K.W.] or any unknown biological fathers. That will be my order.

(*Id.* at 33).

On September 8, 2021, the court of appeals issued its decision, which affirmed L.M.'s Order terminating her parental rights to A.S.M. (Decision, September 8, 2021 District I).

Dated this 16th of September 2021.

Electronically signed by:

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