

FILED
04-01-2024
CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN
SUPREME COURT

Appeal No. 2023AP001824

In re the termination of parental rights to J.A.C.,
a person under 18 years of age;

KENOSHA COUNTY DIVISION OF
CHILDREN AND FAMILY SERVICES,
Petitioner-Respondent,

vs.

J.M.C. III, Respondent-Appellant-Petitioner.

APPEAL FROM THE ORDER TERMINATING PARENTAL
RIGHTS AND DENYING POSTDISPOSITIONAL RELIEF
ENTERED IN THE KENOSHA COUNTY CIRCUIT COURT,
THE HONORABLE JODI L. MEIER PRESIDING.

RESPONDENT-APPELLANT-PETITIONER'S PETITION FOR
REVIEW UNDER RULE 809.32(4)

ZALESKI LAW FIRM
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STATEMENT OF THE CASE

This case involves a petition filed by the Kenosha County Division of Children and Family Services to terminate the parental rights of JMC to his biological child J.A.C. The petition alleged “abandonment,” “continuing need of protection or services,” and “failure to assume parental responsibility” under Wis. Stat. §48.415(1)(a)2, §48.415(1)(a)3, §48.415(2), §48.415(6). 7:9-12.

On the day of the fact-finding hearing, JMC entered a plea of no contest to “abandonment” under §48.415(1)(a)2. 64:31.

The case proceeded to disposition, and after receiving evidence and hearing argument, the circuit court ordered the termination of JMC’s parental rights. 78:17. As required by statute, the circuit court subsequently entered a written judgment and order terminating parental rights. 50:1-3. JMC filed a notice of intent to pursue postdisposition relief, pursuant to which the State Public Defender appointed the undersigned counsel. By and through counsel, JMC filed a notice of appeal. 67:1-2. On remand, JMC filed a motion for postdispositional

relief. 77:1-3. After hearing, the circuit court denied the motion.

83:10. After considering briefs filed by all parties, this court

affirmed. These proceedings follow.

Dated this 1ST day of April 2024.

Electronically signed by:

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Attorney for Respondent-Appellant-Petitioner

CERTIFICATION

I hereby certify that this petition meets the form and length requirements of Wis. Stat. Rule 809.19(8)(b) and (c) in that is: proportional serif font, minimum printing resolution of 200 dots per inch, 13 point body text, 11 points for quotes and footnotes, leading of minimum 2 points and maximum of 60 characters per line. The text is 13 point type and the length of the petition is 176 words.

Dated this 1st day of April 2024.

Electronically signed by:

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Attorney for Respondent-Appellant-Petitioner

CERTIFICATION

I hereby certify that attached to this No Merit Petition for Review is an appendix which contains:

1. The decision and opinion of the court of appeals.
2. The judgments, orders, findings of fact, conclusions of law and memorandum decisions of the circuit court and administrative agencies necessary for an understanding of the petition.
3. Any other portions of the record necessary for an understanding of the petition.
4. A copy of any unpublished opinion cited under s. 809.23 (3) (a) or (b).

Dated this 1st day of April 2024.

Electronically signed by:

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Attorney for Respondent-Appellant-Petitioner

CERTIFICATION BY ATTORNEY

I hereby certify that I have discussed with the respondent-appellant-petitioner all potential issues identified by me and by the respondent-appellant-petitioner and the merit of an appeal on these issues, and I have informed the respondent-appellant-petitioner that the respondent-appellant-petitioner must choose one of the following 3 options: 1) to have me file a no-merit petition for review; 2) to have me close the file without an appeal; or 3) to have me close the file and to proceed without an attorney or with another attorney retained at the respondent-appellant's expense. I have informed the respondent-appellant-petitioner that a no-merit petition for review will be filed if the respondent-appellant-petitioner either requests a no-merit petitioner for review or does not consent to have me close the file without further representation. I have informed the respondent-appellant-petitioner that the transcripts and circuit court case record will be forwarded at the respondent-appellant-petitioner's request. I have also informed the respondent-appellant-petitioner that the respondent-appellant-petitioner may file a response to the no-merit petition for review and that I may file a supplemental no-merit petition for review and affidavit or affidavits containing facts outside the record, possibly including confidential information, to rebut allegations made in the respondent-appellant-petitioner's response to the no merit report.

Dated this 1st day of April 2024.

Electronically signed by:
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APPELLANT'S SIGNATURE
IN SUPPORT OF PETITION FOR REVIEW

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a smaller 'C' and a series of horizontal strokes. The signature is written over a horizontal line. To the right of the signature, there is a faint, illegible stamp or mark.