

UNPUBLISHED CASES  
FILED IN 2011

***Note: TPRs granted at the trial level, unless indicated otherwise.***

Portage Co. v. Jesus  
2010AP2696

Appellate issue: Parent not informed that he/she would be found unfit by pleading no contest to the grounds phase of a TPR. AFFIRMED

Winnebago C. v. Thomas C.W.  
2010AP846

Appellate Issue: Ineffective Assistance of Counsel. Counsel did not make a Motion for Judgment Notwithstanding the Verdict. AFFIRMED

Marathon Co. v. Larry O.  
2010AP2157

Appellate Issue: Insufficient evidence for Continuing CHIPS TPR ground. AFFIRMED

Milwaukee Co. v. Gabriel S.  
2010AP2876

Appellate Issue: Insufficient evidence for unfitness finding (Continuing CHIPS) and Court did not consider all statutory factors at the best interest phase. AFFIRMED

Milwaukee Co. v. Henry W.  
2011AP693

Appellate Issue: State had a bonding assessment done, father wanted an adjournment to get a different bonding assessment. Court denied the request. AFFIRMED

Dane Co. v. Jennifer F.  
2011AP529

Appellate Issue: Mother entered a no contest plea and the court did not hear testimony supporting the petition. AFFIRMED

Sheboygan Co. vs. Angela M.  
2010AP2946

Appellate Issue: Father wanted a new attorney or to represent himself. The Court denied father's request and continued on with the TPR request. AFFIRMED

Milwaukee Co. v. Beverly H.  
2011AP533

Appellate Issue: After State was successful on the grounds phase, the matter moved immediately to disposition, despite mother's objection. AFFIRMED

Wood Co. vs. Jennifer M.S.  
2009AP1377

Appellate Issue: Insufficient evidence to support the verdict (FTA), court failed to instruct the jury at the correct time and mother denied right to counsel at the return of verdict (counsel unavailable).  
AFFIRMED

Kenosha Co. v. Timothy M  
2011AP667

Appellate Issue: Dad appeared by telephone for TPR (SJ motion). Alleged participation was not meaningful. AFFIRMED.

Rock Co. v. Jennifer B.  
2011AP1524

Appellate Issue: Continuing CHIPS ground, child's mental health status and its cause (mom) was admitted erroneously and it prejudiced mom. AFFIRMED. Child's mental health and cause relevant to whether mom could meet condition of caring for her daughter's needs.

**Tammy W-G v. Jacob T., 2011 WI 30 PUBLISHED**

Wood Co.

When determining whether a parent has Failed to Assume Parental Responsibility (whether a parent as accepted and exercised significant responsibility for the daily care, supervision, education etc. etc. of the child) the finder of fact must consider the child's entire life, including in utero.

Respondent's argument that once you assume (certain period of time) that this ground can never be used against you, was rejected. Finder of fact is not to look at a specific time period, but the entire life of the child, the totality of the circumstances.

**Amanda Bryan and Terri Keopple v. Paul Jensen - UNPUBLISHED**

2010AP1705, St. Croix County

Equitable powers of court regarding visitation

Mother deceased and aunt filed a petition for visitation

Court has equitable powers to address visitation

To allow the court to use its equitable powers, the petitioner must prove

- 1) He or she has a "parent-like relationship with the child and that a significant triggering event justifies state intervention in the child's relationship" citing Holtzman v. Knott, 193 Wis.2d 649(1995).
- 2) To demonstrate the existence of a parent-like relationship, the petitioner must prove
  - a) That the parent consented to, and fostered the petitioner's formation and establishment of a parent-like relationship with the child.
  - b) That the petitioner and the child lived together in the same household
  - c) That the petitioner assumed obligations of parenthood by taking significant responsibility for the child's care, education and development, including contributing towards the child's support without expectation of financial compensation,
  - d) The petitioner has been in a parent role for a length of time sufficient to have established with the child a bonded, dependent relationship parental in nature.

Trial Court found that aunt had not lived with the children and found she had not standing to continue with her motion.

AFFIRMED.

NOTE: Some counties using this to get an order for visitation on voluntary TPRs