COURT OF APPEALS
DECISION
DATED AND FILED

December 15, 2009

David R. Schanker
Clerk of Court of Appeals

Appeal No. 2009AP1829 **Cir. Ct. No. 2008TP105**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT I

IN RE THE TERMINATION OF PARENTAL RIGHTS TO CHRISTOPHER G., A PERSON UNDER THE AGE OF 18:

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

V.

LATICIA T.,

RESPONDENT-APPELLANT.

APPEAL from orders of the circuit court for Milwaukee County: CHRISTOPHER R. FOLEY, Judge. *Affirmed*.

¶1 KESSLER, J.[1] Laticia T. appeals from an order terminating her parental rights to her son, Christopher G., and from an order denying her post-disposition motion. Laticia argues that the trial court erroneously denied her motions: (1) to preclude the introduction of evidence relating to time periods before June 13, 2007 (the date a jury in a previous termination of parental rights ("TPR") action found that the State had not established grounds to terminate Laticia's parental rights), because that evidence is barred by issue preclusion and fairness; (2) for mistrial or judgment notwithstanding the verdict, based on two sets of questions asked at the trial that were objectionable; and (3) to institute a guardianship or "sustaining care" arrangement instead of terminating Laticia's parental rights. We reject her arguments and affirm the orders.

INTRODUCTION

¶2 Christopher was born in February 2004 to Laticia, who was then fifteen years old, and an unknown father. Christopher was found to be a Child in Need of Protection or Services ("CHIPS") on November 29, 2005, and was ordered placed with a foster family, where he has since remained. On October 30, 2006, the State filed a petition to terminate the parental rights of Laticia,[2] alleging two grounds[3] for termination: continuing CHIPS, *see* WIS. STAT.

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[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(2007-08).

All references to the Wisconsin Statutes are to the 2007-08 version unless otherwise noted.

[2] The parental rights of the unknown father are not at issue in this appeal and will not be addressed.

[3] As the State points out, the docket entries and records of the 2006 TPR litigation were never filed with the trial court in the instant action. However, the record in this case indicates that two grounds were alleged, and that the jury found the State had failed to satisfy both.

§ 48.415(2)(a)(2005-06),[4] and failure to assume parental responsibility, *see* § 48.415(6)(2005-06).

¶3 In order to prevail on the continuing CHIPS ground, the State was required to prove four things: (1) Christopher was adjudged to be in need of protection or services and placed outside the home for a cumulative total period of six months or longer pursuant to one or more court orders containing the TPR

[4] WISCONSIN STAT. § 48.415(2)(a), which was the same for both the 2005-06 and 2007-08 versions of the statues, provides in relevant part:

> **(2)** CONTINUING NEED OF PROTECTION OR SERVICES. Continuing need of protection or services, which shall be established by proving any of the following:
>
> (a) 1. That the child has been adjudged to be a child or an unborn child in need of protection or services and placed, or continued in a placement, outside his or her home pursuant to one or more court orders under s. 48.345, 48.347, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 containing the notice required by s. 48.356 (2) or 938.356 (2).
>
> 2. a. In this subdivision, "reasonable effort" means an earnest and conscientious effort to take good faith steps to provide the services ordered by the court which takes into consideration the characteristics of the parent or child or of the expectant mother or child, the level of cooperation of the parent or expectant mother and other relevant circumstances of the case.
>
> b. That the agency responsible for the care of the child and the family or of the unborn child and expectant mother has made a reasonable effort to provide the services ordered by the court.
>
> 3. That the child has been outside the home for a cumulative total period of 6 months or longer pursuant to such orders not including time spent outside the home as an unborn child; and that the parent has failed to meet the conditions established for the safe return of the child to the home and there is a substantial likelihood that the parent will not meet these conditions within the 9-month period following the fact-finding hearing under s. 48.424.

rights notice required by law; (2) the Milwaukee County Department of Social Services made a reasonable effort to provide the services ordered by the court; (3) Laticia failed to meet the conditions established for the safe return of Christopher to her home; and (4) there was a substantial likelihood that Laticia would not meet those conditions within the nine-month period following the conclusion of the TPR hearing. *See* WIS JI—CHILDRENS 324A. The jury found that the first three elements had been satisfied, but that the fourth had not.

¶4 The jury also rejected the allegation that Laticia had failed to assume parental responsibility. The TPR action was dismissed on July 10, 2007.

¶5 The CHIPS dispositional order was continued. On April 8, 2008, the State filed a new TPR action concerning Laticia's parental rights, alleging a single ground for termination: continuing CHIPS. *See* WIS. STAT. § 48.415(2)(a). Laticia contested both the fact-finding and dispositional phases of the case.

¶6 Prior to the jury trial during the fact-finding phase of the TPR, Laticia filed a motion in limine seeking to prohibit the State and guardian ad litem ("GAL") "from calling any witness to testify to events which occurred prior to June 13th, 2007[,] as such testimony is not relevant to the grounds ple[d] in this TPR action and therefore is more prejudicial than probative." The motion also asserted that the testimony was barred by the doctrines of claim and issue preclusion. At the motion hearing, Laticia argued that because the previous jury determined that there were not grounds to terminate Laticia's parental rights as of

June 13, 2007, facts occurring prior to that date should be inadmissible.[5] The State and the GAL opposed Laticia's motion. The State argued that the issue at trial would be whether Laticia had met the conditions of return or was likely to do so in the future, and that past conduct was relevant to that determination.

¶7 The trial court denied Laticia's motion, recognizing that the key issue presented in the previous case was whether Laticia would meet the conditions for safe return within nine months of the first trial. The second TPR action involved a different time frame: nine months from the date of the second trial. The trial court explained:

> This is an entirely different factual determination that this jury is being asked to make and … the evidentiary basis of the failed claim is not irrelevant in that regard. It is relevant. [I c]ertainly don't believe [its] evidentiary value, probative value, is substantially outweighed by the danger of unfair prejudice…. I don't think it's barred under claim or issue preclusion.

The trial court did, however, rule that the jury could not be told about the existence of the prior trial and the verdict in that case.

¶8 A second pretrial order relevant to this appeal was the trial court's order precluding testimony concerning the fact that Laticia had another son who did not live with her and who had, in fact, been adopted by the same family with whom Christopher was currently placed. All parties agreed that this information should not be admitted.

[5] In the motion and at the hearing, Laticia referred to the potential applicability of the doctrines of both claim preclusion and issue preclusion. Both were discussed in the context of arguing that evidence of events that occurred prior to June 2007 should not be admitted. However, Laticia did not argue that the second TPR action itself should be precluded.

¶9 Finally, the trial court ruled that the jury could not be told that Laticia had been convicted of any crimes or citations. This order was not contested.

¶10 During the trial, there were two instances relevant to this appeal when the State or GAL asked questions that Laticia found objectionable. The first occurred when the State started its examination of Laticia, who had been called adversely. After asking some preliminary questions about Laticia's age, the State asked: "How many children do you have?" Laticia's counsel objected. Although the transcript does not record a response from the trial court, subsequent references in the transcript indicate that the trial court sustained the objection. The State then asked several more questions, to which Laticia did not object:

> Q You have got Christopher, correct?
>
> A Yes, ma'am.
>
> Q And are you currently pregnant?[6]
>
> A Yes, ma'am.
>
> Q When is your next baby due?
>
> A February 17th.

¶11 Later, outside the jury's presence, Laticia requested a mistrial based on the fact that the State's questions had been inappropriate, given the ruling that Christopher's younger brother could not be mentioned.[7] The State and the GAL opposed the motion for mistrial. The assistant district attorney who had

[6] At the time of the trial, Laticia was eight months pregnant.

[7] Laticia did not at the time the questions were asked, or subsequently, ask that the trial court give the jury a curative instruction.

questioned Laticia indicated that she had not intended to violate the trial court's order concerning testimony about Christopher's brother. She explained that she "quickly rehabilitated" by asking Laticia whether she had Christopher and then asking about her pregnancy. She continued: "I don't think there was any opportunity for the jury to infer anything about it…. I don't think there was any prejudice. I think [attention] quickly was refocused on Christopher and the expected child, which was the point of the question."

¶12 The GAL concurred in the State's assertion that there was no prejudice. She stated:

> Your Honor, I think that if you were looking at the transcript, just recall the way it came in, it slid by very nicely. The question was unintentionally asked the way it was because [that is] the first question most people ask of anybody…. There was an objection. It was sustained. The next question after that pretty much was: Are you pregnant?
>
> I think it slid by really nicely. And I think nobody made a big deal about it at the time. I think the jury is probably left with the concept of the fact that she's pregnant with a child not yet on this earth.

¶13 The trial court denied the motion for mistrial, stating:

> I say this with the u[t]most sincerity. I have no concerns at all based upon the brief reference, very vague reference that this—[I don't think] anybody on this jury thinks there is some mysterious child out there, that something untoward happened to or something like that.

¶14 The second set of questions that Laticia found objectionable was asked after the trial court denied the aforementioned motion for mistrial. The GAL was questioning Laticia about her employment history, including work Laticia said she did for her grandmother. The following exchange took place:

> [GAL:] … [D]id you file taxes on that income from your grandmother?
>
> [Laticia's trial counsel:] Objection.
>
> THE COURT: I'm sustaining that objection.
>
> [Laticia's trial counsel:] You[r] Honor, I need to be heard on this.
>
> THE COURT: You can later. Next question, please.
>
> [GAL:] Are you aware that … not paying taxes on income is against the law?
>
> THE COURT: I have already ruled. This is irrelevant. Let's move on, please.
>
> [GAL:] You[r] honor, the [CHIPS] order says [Laticia] can't violate the law.
>
> THE COURT: Next question, please.

At that point, the GAL indicated that she had no more questions.

¶15 Later, outside the jury's presence, the GAL and the State argued that questions about Laticia's payment of taxes were relevant and that Laticia should have been allowed to answer them. Laticia's trial counsel did not present any argument. The trial court explained why it sustained the objection and stood by its decision to do so. At no time did Laticia ask that a curative instruction be given or move for mistrial based on the questions that were asked but not answered.

¶16 The jury found that the State had proven its case. A dispositional hearing was scheduled, at which Laticia contested termination of her parental rights. Laticia's counsel argued that Laticia had maintained contact with Christopher and had a relationship with him that should not be severed. She asked the trial court "to consider something less severe" than a TPR, explaining:

> My [c]lient has made great strides in terms of meeting [the] conditions [of return]. We would argue, her conditions are met.
>
> We would argue that today she is continuing to develop herself and develop self-improvement.
>
> ….
>
> … I would ask that this [c]ourt consider less stringent, less onerous options than, clearly, terminating the parental rights of this [c]hild to my [c]lient.

¶17 The trial court issued a written decision explaining its decision to order that Laticia's parental rights be terminated. It noted that "[m]any of the dispositional factors are overwhelmingly self-evident and indisputable," including the fact that Christopher would be adopted by the same family that is already home to Christopher's younger brother and with which Christopher has "a far greater chance of safety, permanence and stability." The trial court indicated that it "still ha[d] rather dramatic concerns about Laticia's ability to provide a safe, stable and appropriate home for Christopher." It also noted its concern with Laticia's "volatile" relationship with her significant other. It concluded that although Laticia had a relationship with Christopher, "the critical benefits gained by adoption so overwhelmingly outweigh that harm as to render the harm rather insignificant."

¶18 Laticia appealed the order terminating her parental rights. New counsel (hereafter, "post-disposition counsel") was appointed for Laticia's appeal. Post-disposition counsel filed a motion to remand the case so that a post-disposition hearing could be held at the trial court. Laticia indicated she would argue that the trial court should impose an alternative disposition, such as sustaining care, and that trial counsel provided ineffective assistance for not

addressing alternatives to adoption. We granted the motion and remanded the case.

¶19 The post-disposition motion sought relief on grounds that "a viable alternative to full-fledged adoption should have been considered at the dispositional phase" and that trial counsel provided ineffective assistance by failing to propose a "guardianship-type arrangement." At the motion hearing, Laticia testified that she had spoken with her trial counsel three times about the possibility of setting up a guardianship for Christopher as an alternative to termination, including at the first meeting Laticia had with trial counsel, at a meeting prior to the jury trial and during the jury trial. She also testified that she had not wanted a jury trial.

¶20 On cross-examination, Laticia acknowledged that at the dispositional hearing she did not mention her interest in having someone appointed as a guardian for Christopher as an alternative to termination. She also said she had not discussed guardianship with her trial counsel after the jury trial. Finally, Laticia testified that she would like to have the people with whom Christopher is currently placed become his legal guardians.

¶21 Trial counsel testified that she did not recall talking with Laticia about guardianship at their first meeting or subsequently. She said one of the issues that she and Laticia did discuss was trial counsel's concern about the effect of a termination on Laticia's rights to her unborn child, given WIS. STAT. § 48.415(10), which provides that the prior involuntary termination of parental rights to another child is a basis to terminate rights to a subsequent child. Trial counsel said that Laticia "never" wavered in her desire to have a jury trial.

¶22 Trial counsel said that the day before the dispositional hearing, she went to Laticia's house to talk with her. She said she told Laticia that one option was to talk with the State and the GAL about doing a voluntary termination of parental rights, so that Laticia's parental rights to her newborn child would not be in jeopardy (due to the effect of WIS. STAT. § 48.415(10)). Trial counsel said Laticia's response was that her rights to her newborn would not be in jeopardy because the baby's father was able to take care of the child. Trial counsel said she spoke with Laticia about doing a voluntary TPR and entering a "sustaining care" contract, but Laticia wanted to continue to contest the disposition. Finally, when trial counsel was asked about her argument to the trial court at the dispositional hearing wherein she suggested the trial court consider "less stringent, less onerous" options than terminating Laticia's parental rights, she said: "I think the [c]ourt knows what I'm talking about."

¶23 Laticia's fiancé also testified. He said he was present for several meetings between trial counsel and Laticia, and that he heard Laticia ask trial counsel about setting up a guardianship for Christopher.

¶24 The trial court denied Laticia's motion. It found incredible the testimony of both Laticia and her fiancé that Laticia had asked trial counsel to pursue a guardianship case while the TPR case was proceeding. In addition, the trial court stated:

> I tried this case. This was an all or nothing. Laticia was adamant in her position that there were no grounds to involuntarily terminate her parental rights….
>
> There was nothing to suggest in the course of this litigation that … she wanted to pursue some alternative short of winning this case outright at disposition.

The trial court further found that trial counsel had effectively argued for an alternative disposition short of terminating Laticia's parental rights. Based on these findings, the trial court concluded that trial counsel had not performed deficiently.

¶25 The trial court also concluded that Laticia had not been prejudiced by any alleged deficiency in trial counsel's arguments at the dispositional hearing. The trial court said that even if trial counsel had urged the court to dismiss the TPR and order that a guardianship be established, the trial court would not have made a different decision. The trial court explained:

> I was … overwhelmingly convinced that [Laticia] was continuing to do things and have relationships with people who made her incapable of providing a safe home for her son…. And because of that and because of the incredible nature of the relationship [between the foster parents and Christopher], I felt it was critical to this child that the legal relationship between [the foster parents] and Christopher be permanent and legally recognized. And to do that I had to extinguish the relationship between Christopher and his mom.

The trial court also confirmed that it was "fully aware of the alternatives" to termination when it made its decision to terminate Laticia's parental rights. This appeal follows.

DISCUSSION

¶26 Laticia argues that the trial court erroneously denied certain pre-trial, trial and post-disposition motions. We examine each in turn.

I. Denial of the motion in limine.

¶27 The trial court denied Laticia's motion in limine that sought to preclude the introduction of evidence of events that occurred prior to the first TPR

trial. On appeal, Laticia argues that the motion should have been granted "on the basis of issue preclusion" and "fairness grounds."[8] We are not convinced.

¶28 We have recognized that issue preclusion can be applied in TPR cases. *See* ***Brown County Dep't of Human Servs. v. Terrance M.***, 2005 WI App 57, ¶9, 280 Wis. 2d 396, 694 N.W.2d 458. When it comes to applying the doctrine of issue preclusion, "[t]here is a two-step analysis for whether the doctrine of issue preclusion bars an action: (1) whether issue preclusion can, as a matter of law, be applied and, if so, (2) whether the application of issue preclusion would be fundamentally fair." ***Ellifson v. West Bend Mut. Ins. Co.***, 2008 WI App 86, ¶12, 312 Wis. 2d 664, 754 N.W.2d 197. ***Ellifson*** continued:

> In the first step, a [trial] court must determine whether the issue or fact was actually litigated and determined in the prior proceeding by a valid judgment in a previous action and whether the determination was essential to the judgment. In other words, issue preclusion refers to the effect of a judgment in foreclosing relitigation in a subsequent action of an issue of law or fact that has been actually litigated and decided in a prior action. The determination under the first step is a question of law. Issue preclusion can be applied *only* if this first step is satisfied. If it is not, we do not reach the second step which, if reached, is reviewed as an exercise of discretion.

Id. (citations omitted).

¶29 We agree with the trial court that, as a matter of law, the doctrine of issue preclusion is not applicable in this case. The contested issues[9] in the instant

[8] Laticia's discussion of the applicable legal standards twice refers to claim preclusion. If she is suggesting that claim preclusion somehow applies here, we reject her argument without further discussion because it is inadequately briefed. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (we may decline to address inadequately developed arguments).

case—whether the county made a reasonable effort to provide services, whether Laticia failed to meet the conditions for return and, if so, whether there was a substantial likelihood that she would not meet those conditions within nine months of the trial—all involved a period of time prior to and after the second trial. The determinations made by the jury in the prior TPR action were related to a different period of time. In the first case, the jury apparently found that Laticia was likely to meet the conditions for safe return within nine months of trial. Whether she met those conditions as of the time of the second trial and, if not, whether she could do so within nine months of the second trial, were not issues "actually litigated and determined in the prior proceeding by a valid judgment in a previous action." *See* ***id.*** Accordingly, issue preclusion does not apply.

¶30 Laticia also argues that:

> It was unfair to Laticia to permit a different jury to look at not only the time period of the current TPR proceeding … to assess whether the State could prove there was a substantial likelihood that Laticia would not meet the conditions for safe return of her child in the ensuing nine-month period, but also that prior time period.

In effect, Laticia is challenging "'the relevance and admissibility of proffered evidence,'" which is a matter within the trial court's discretion. *See* ***Estate of Hegarty v. Beauchaine***, 2006 WI App 248, ¶151, 297 Wis. 2d 70, 727 N.W.2d 857 (citation omitted). On appeal, we will uphold an evidentiary ruling if we conclude that the trial court "'examined the relevant facts, applied a proper

[9] It was uncontested that Christopher was adjudged to be in need of protection or services and placed outside the home for a cumulative total period of six months or longer pursuant to one or more court orders containing the TPR rights notice required by law.

standard of law, used a demonstrated rational process, and reached a conclusion that a reasonable judge could reach.'" ***Id.*** (citation omitted).

¶31 Applying those legal standards, we reject Laticia's argument that the trial court erroneously exercised its discretion when it denied her motion in limine. It is well-established that when considering whether a parent failed to meet the conditions for return established in the CHIPS order, a jury is entitled to consider the following: the length of time the child has been in placement outside the home; the number of times the child has been removed from the home; the parent's performance in meeting the conditions for the child's return; the parent's cooperation with the social service agency; and parental conduct during periods in which the child had contact with the parent. *See* WIS JI—CHILDREN 324. The trial court's decision to admit evidence of events and circumstances that existed since the CHIPS order took effect—including events that occurred prior to the first TPR trial—was reasonable, given the issues within the jury's consideration. We decline to disturb the trial court's exercise of discretion.

II. Challenges to two sets of questions at trial.

¶32 Laticia argues that the trial court should have granted a mistrial or judgment notwithstanding the verdict ("JNOV") based on two sets of questions that were asked by the State and the GAL. Whether to grant a motion for mistrial is a decision that lies within the sound discretion of the trial court and "will be reversed only on a clear showing of an erroneous use of discretion." ***State v. Ross***, 2003 WI App 27, ¶47, 260 Wis. 2d 291, 659 N.W.2d 122. When considering a motion for mistrial, the trial court must consider "whether the claimed error was sufficiently prejudicial to warrant a new trial." ***Id.*** Our review of the denial of a motion for JNOV is *de novo*; we apply "the same standards as the trial court."

Hicks v. Nunnery, 2002 WI App 87, ¶15, 253 Wis. 2d 721, 643 N.W.2d 809. ***Hicks*** explained:

> A motion for judgment notwithstanding the verdict accepts the findings of the verdict as true but contends that the moving party should have judgment for reasons evident in the record other than those decided by the jury. The motion does not challenge the sufficiency of the evidence to support the verdict, but rather whether the facts found are sufficient to permit recovery as a matter of law.

Id. (citations omitted).

¶33 We begin with the question concerning Laticia's children. As noted, the State asked Laticia: "How many children do you have?" Trial counsel objected and the objection was sustained. Trial counsel subsequently moved the trial court to grant a mistrial and the trial court denied the motion. It is the denial of that motion that Laticia challenges on appeal. Laticia does not offer specific argument concerning the reasons why the question and objection were "sufficiently prejudicial to warrant a new trial." *See* ***Ross***, 260 Wis. 2d 291, ¶47. We are not persuaded that the trial court erroneously exercised its discretion when it denied Laticia's motion. The question concerning Laticia's children was not answered and the jury was never told about the existence of Christopher's brother. The trial court's assessment that a mistrial was not warranted was reasonable and we decline to disturb it.

¶34 Next, we consider the questions that the GAL asked concerning Laticia's payment of income taxes. Trial counsel objected to these questions and the objections were sustained. Subsequently, trial counsel sought neither a curative jury instruction nor a mistrial based on these questions. And yet, Laticia complains on appeal that the trial court "never issued a curative instruction to the jury following this wholly improper and prejudicial questioning by the GAL" and

appears to argue that a mistrial was warranted, even though trial counsel did not move for a mistrial after the questions were asked. We cannot fault the trial court for failing to take action that it was not asked to take.

¶35 Furthermore, as to the merits of Laticia's concern about the tax questions, we note that we have previously recognized that "[i]mproper but unanswered questions are generally not sufficient error to require reversal on appeal." ***State v. Patino***, 177 Wis. 2d 348, 377, 502 N.W.2d 601 (Ct. App. 1993). Laticia has not offered any argument explaining how the unanswered questions created such prejudice that a new trial is warranted. We are unconvinced that reversal is required.

¶36 Finally, we consider Laticia's bald assertion that JNOV should have been granted based on the improper questions concerning her children and her income taxes. Other than simply asking the trial court for JNOV at the conclusion of the jury trial, trial counsel offered no argument to the trial court concerning the reasons why JNOV should be granted. On appeal, she does not identify the "reasons evident in the record other than those decided by the jury" that required the trial court to grant judgment in her favor notwithstanding the jury's verdict. *See* ***Hicks***, 253 Wis. 2d 721, ¶15. We reject her undeveloped argument without further discussion. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (we may decline to address inadequately developed arguments).

III. The post-disposition motion.

¶37 In her post-disposition motion, Laticia argued that: (1) she had received ineffective assistance because "a guardian-type arrangement was not proposed by trial counsel"; and (2) the trial court should have considered "a viable alternative to full-fledged adoption" at the dispositional phase of the TPR

proceedings. As noted above, the trial court denied the motion after it concluded that trial counsel had not provided ineffective assistance and after it noted that it had, in fact, considered less drastic alternatives to terminating Laticia's parental rights.

¶38 On appeal, Laticia does not explicitly challenge the trial court's conclusion that trial counsel provided adequate assistance. Rather, her brief discusses Laticia's motivations and why she would have wanted to fight to dismiss the TPR action, given that the first TPR action had been dismissed. She also states that the trial court "fail[ed] to take into account the unique family set-up at hand" and erroneously "construed [Laticia's] trial strategy to contest [the] second TPR … as being somehow antithetical to her also wanting to pursue a guardianship-type arrangement with a family" that had already adopted her other son. She asks this court to grant the post-disposition motion and remand the case so the trial court can enter an order "placing Christopher in either a 'sustaining care' or guardianship arrangement with the same family that has adopted Christopher's brother."

¶39 We are unconvinced that the post-disposition motion was wrongly denied or that a remand is appropriate. The record supports both the trial court's determinations and conclusions concerning ineffective assistance and its determination that termination of Laticia's parental rights was in Christopher's best interest.[10] Further, we observe that the trial court's discussion of Laticia's strategy to fight the termination—which Laticia questions on appeal—was related

[10] We decline to discuss in detail the facts supporting the trial court's decision. The trial court's reasoning and findings, which are detailed in the background section of this opinion, are more than adequate to sustain the orders.

to its factual finding that Laticia had not asked her trial counsel to pursue a guardianship for Christopher, which was at issue given the ineffective assistance of counsel allegation. The trial court's findings are not clearly erroneous and we discern no erroneous exercise of discretion in its decision to terminate Laticia's parental rights. We affirm the denial of the post-disposition motion.

By the Court.—Orders affirmed.

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