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DISTRICT I/IV

September 4, 2015

To:

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K. K.

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You are hereby notified that the Court has entered the following opinion and order:

2014AP2265-NM

In re the termination of parental rights to S. K. , a person under the age of 18: State of Wisconsin v. K. K. (L.C. #2011TP359)

Before Sherman, J.¹

Attorney Christine Quinn, appointed counsel for K.K., has filed a no-merit report pursuant to WIS. STAT. RULE 809.107(5m). Counsel provided K.K. with a copy of the report, and both counsel and this court advised her of her right to file a response. K.K. has not responded. I conclude that this case is appropriate for summary disposition. *See* WIS. STAT.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2013-14). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

RULE 809.21. After my independent review of the record, I conclude there is no arguable merit to any issue that could be raised on appeal.

The circuit court found that grounds for termination existed on the ground of continuing CHIPS. Without attempting to recite the evidence here, I conclude that it would be frivolous to argue that the evidence was insufficient to support the court's finding on this ground.

The circuit court also concluded that termination was in the best interest of the child. The court considered the appropriate factors under WIS. STAT. § 48.426, and reached a reasonable conclusion. It would be frivolous to argue that the court erroneously exercised its discretion.

At the start of the dispositional hearing, trial counsel moved to reopen the grounds phase on the basis that she had provided ineffective assistance of counsel by not sufficiently using expert evidence relating to K.K.'s psychological diagnosis and how the social service system should have responded to it. I ordered appellate counsel to further address this issue. In a supplemental no-merit report, counsel concludes that it would be frivolous to argue that K.K. was prejudiced by counsel's action. I agree that use of the expert evidence and this approach would have been unlikely to change the outcome.

My review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the order terminating parental rights is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christine M. Quinn is relieved of further representation of K.K. in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals