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May 25, 2018

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

2017AP409-NM

In the interest of K. W. K., a person under the age of 18: State of Wisconsin v. K. W. K. (L.C. # 2016JV13)

Before Blanchard, J.¹

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

K.W.K. appeals an order adjudicating him a juvenile in need of protection or services (JIPS). After finding that K.W.K. was habitually truant from school under WIS. STAT. § 938.13(6), the circuit court ordered one year of supervision. The dispositional order was terminated early due to K.W.K.'s compliance. K.W.K.'s appellate counsel filed a WIS. STAT.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

RULE 809.32 no-merit report concluding that there are no arguably meritorious issues for appeal and that any appeal would be moot as to K.W.K. K.W.K.'s mother filed a response to the no-merit report on K.W.K.'s behalf.² Appellate counsel submitted a supplemental no-merit report asserting "that there is no issue raised by K.W.K.'s mother that pertains to the relevant issues in this case." Upon consideration of the original and supplemental no-merit reports, the response of K.W.K.'s mother, and the record, I summarily affirm the dispositional order because its termination renders the appeal moot. *See* WIS. STAT. RULE 809.21.

In February 2016, the State filed a JIPS petition alleging that K.W.K. was habitually truant from school. *See* WIS. STAT. § 938.13(6). K.W.K. entered a denial and the matter was tried to the court. The circuit court found that K.W.K. had missed "all or part of at least five [school] days that were unexcused," and that the school complied with WIS. STAT. § 118.16(5). At disposition, the court placed K.W.K. at home and ordered one year of supervision by the Department. On January 20, 2017, the court formally terminated K.W.K.'s dispositional order, stating: "The juvenile has not been truant for some time and the state has moved for early termination of the dispositional order."

The no-merit report addresses whether the circuit court properly found that K.W.K. was habitually truant, whether it properly exercised its discretion at disposition, and if K.W.K.'s appeal is moot. I agree with appellate counsel's analysis that, because the dispositional order was terminated, the appeal will have no practical effect on K.W.K. *See State v. Jeremiah C.*,

² Because I conclude the appeal is moot, I need not decide the propriety of considering the unsigned submission of K.W.K.'s mother as a WIS. STAT. RULE 809.32(1)(e) response to counsel's no-merit report.

2003 WI App 40, ¶9, 260 Wis. 2d 359, 659 N.W.2d 193 (expiration of JIPS orders rendered appeal moot as to the subject juveniles). “An issue is moot when its resolution will have no practical effect on the underlying controversy.” *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425. Because any potential appellate issues are moot, there are no arguable issues for appeal. For that reason, we may relieve appointed counsel of the duty of representation under WIS. STAT. RULE 809.32(3). Therefore,

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

IT IS FURTHER ORDERED that Attorney Melissa M. Petersen is relieved from further representing K.W.K. in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals