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**DISTRICT III**

April 23, 2019

To:

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

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2019AP27-NM

Pierce County Department of Human Services v. A. H.  
(L. C. No. 2018TP2)

Before Stark, P.J.<sup>1</sup>

**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).**

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2017-18). Except as otherwise noted, all references to the Wisconsin Statutes are to the 2017-18 version.

Counsel for A.H. filed a no-merit report pursuant to WIS. STAT. RULE 809.32, concluding there is no arguable basis for challenging the order terminating A.H.'s parental rights to her child, Molly.<sup>2</sup> A.H. was advised of her right to file a response to the report and has not responded. Upon this court's independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), no issue of arguable merit appears. Therefore, the order terminating A.H.'s parental rights is summarily affirmed.<sup>3</sup> See WIS. STAT. RULE 809.21.

Molly was removed from A.H.'s care in September 2016, when she was five months old. On November 23, 2016, Molly was found to be a child in need of protection or services (CHIPS) based on allegations that "one or both parents" were using methamphetamine and "other substances," thus preventing them from providing a safe and stable home for the child. At the time of Molly's removal, both drug paraphernalia and methamphetamine were found in the home. Molly has remained outside of her parents' home since her September 2016 removal. On February 5, 2018, the Pierce County Department of Health and Human Services petitioned for termination of A.H.'s parental rights, alleging the continuing need for protection or services and a failure to assume parental responsibility. See WIS. STAT. § 48.415(2) and (6) (2015-16).<sup>4</sup> Following a two-day trial, the jury returned verdicts against A.H. on both grounds for termination. The circuit court made the statutorily required finding that A.H. was an unfit

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<sup>2</sup> Pursuant to WIS. STAT. RULE 809.81(8), we use a pseudonym when referring to the child in this confidential matter.

<sup>3</sup> The order also terminated the parental rights of Molly's father. Termination of the father's parental rights is not the subject of this appeal.

<sup>4</sup> 2017 Wis. Act 256, which took effect after the petition for termination of parental rights was filed in this case, changed the proof requirement under WIS. STAT. § 48.415(2)(a)3. for the continuing CHIPS ground for termination. The circuit court and the parties properly agreed that the previous version of the statute applied in this case.

parent. After a dispositional hearing, the circuit court concluded it was in Molly's best interest to terminate A.H.'s parental rights.<sup>5</sup>

The no-merit report addresses whether the circuit court complied with the statutory time limits; whether the circuit court properly directed the verdict on an undisputed element—namely, that Molly had been adjudged in need of protection or services and placed outside the parental home for a cumulative total period of six months or longer; whether there was sufficient evidence to support the jury's verdict as to grounds for termination; and whether the circuit court properly exercised its discretion in finding A.H. unfit and concluding that termination of A.H.'s parental rights was in Molly's best interest. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that these potential issues lack arguable merit. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

Because this court's independent review of the record confirms that counsel correctly analyzed the issues surrounding this termination, and because this court's review discloses no other potential issues of arguable merit, the order terminating A.H.'s parental rights is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

Upon the foregoing reasons,

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

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<sup>5</sup> The Honorable James J. Duvall presided over the jury trial on the grounds for termination. The Honorable Thomas W. Clark presided over the dispositional hearing and entered the termination order.

IT IS FURTHER ORDERED that attorney Ellen J. Krahn is relieved of her obligation to further represent A.H. in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*