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**WISCONSIN COURT OF APPEALS**

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**DISTRICT III**

November 26, 2019

To:

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

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2019AP1868-NM      Iron County Department of Human Services v. B. H.  
(L. C. No. 2018TP2)

Before Seidl, 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).**

Counsel for Benjamin filed a no-merit report pursuant to WIS. STAT. RULE 809.32 concluding there is no arguable basis for challenging the order terminating Benjamin's parental

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

rights to Bonnie.<sup>2</sup> Benjamin was advised of his right to respond 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 Benjamin's parental rights is summarily affirmed.<sup>3</sup> See WIS. STAT. RULE 809.21.

On April 10, 2018, the Iron County Department of Human Services petitioned for termination of Benjamin's parental rights, alleging a failure to assume parental responsibility for then ten-year-old Bonnie. Benjamin, by appointed counsel, contested the ground for termination. Following a bench trial, the circuit court found that the Department had established the asserted ground for termination of Benjamin's parental rights. The court made the statutorily required finding that Benjamin was an unfit parent. After a dispositional hearing, the court concluded it was in the child's best interest to terminate Benjamin's parental rights.

The no-merit report addresses: (1) whether the circuit court complied with the statutory time limits; (2) whether the fact-finding hearing was properly conducted as a bench trial rather than a jury trial; (3) whether Benjamin, who was incarcerated in Florida and appeared by telephone, was allowed meaningful participation in the proceedings; (4) whether the court properly admitted evidence of Benjamin's criminal history; (5) whether there was sufficient evidence to support the court's finding as to the ground for termination; (6) whether the court properly exercised its discretion in concluding that termination of Benjamin's parental rights was in Bonnie's best interest; and (7) whether there are any grounds to challenge the effectiveness of

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

Benjamin's trial counsel. 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 Benjamin's parental rights is summarily affirmed.

Upon the foregoing,

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

IT IS FURTHER ORDERED that attorney Steven Zaleski is relieved of his obligation to further represent Benjamin 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*

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