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DISTRICT III

September 15, 2020

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:

2020AP968-NM

Brown County Human Services v. K. W. (L. C. No. 2018TP44)

Before Stark, P.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).

¹ 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.

Karl appeals from an order terminating his parental rights to his daughter, Heidi.² Attorney Thomas Aquino has filed a no-merit report pursuant to WIS. STAT. RULE 809.32, seeking to withdraw as appellate counsel. The no-merit report sets forth the procedural history of the case and addresses the evidence supporting the ground of abandonment, various evidentiary rulings, and the circuit court's exercise of discretion regarding disposition. Karl was advised of his right to respond to the report, but he has not done so. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there are no issues of arguable merit.

The Brown County Department of Health and Human Services petitioned to terminate Karl's parental rights based upon the alleged grounds of abandonment for periods of three months and six months. *See* WIS. STAT. § 48.415(1)(a)2. and 3. Karl contested the petition, and the matter was tried to a jury. The Department presented evidence that Heidi had been determined to be a child in need of protection and services (CHIPS) on February 19, 2018, and she was placed outside both parents' homes at that time. Karl did not visit or communicate with Heidi after January 19, 2018. The jury found that Karl had abandoned Heidi, and, as a result, the circuit court found Karl unfit. At the dispositional hearing, the court found that termination was in Heidi's best interest because Karl had prioritized his own needs over those of his daughter, the child was very young at the time of removal and had not developed a substantial relationship with Karl or other family members, and the child was thriving in the care of foster parents with whom she had bonded and who wished to adopt her.

² For ease of reading, we refer to K.W. and his daughter, H.L., using pseudonyms, rather than by their initials.

We agree with counsel's analysis and conclusion that any challenge to the sufficiency of the evidence, evidentiary rulings, or the circuit court's exercise of discretion at disposition would lack arguable merit. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32. Accordingly, the order terminating Karl's parental rights is summarily affirmed, and counsel is allowed to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.21.

Therefore,

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

IT IS FURTHER ORDERED that attorney Thomas Aquino is relieved of his obligation to further represent K.W. 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