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DISTRICT II

February 9, 2022

To:

Hon. Barbara H. Key
Circuit Court Judge
Electronic Notice

Sara Henke
Register in Probate
Winnebago County
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Thomas Brady Aquino
Electronic Notice

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S.R.R.

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

2021AP2157-NM Winnebago County DHS v. S.R.R. (L.C. #2020TP11)

Before Grogan, 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).

S.R.R. appeals from an order terminating her parental rights (TPR) to T.A.R.² Attorney Thomas Brady Aquino has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32; *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2019-20). All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

² Pursuant to WIS. STAT. RULE 809.81(8), we use initials instead of the parties' names in this confidential matter.

sets forth the procedural history of the case and then addresses the sufficiency of the evidence to support grounds for termination and the circuit court's exercise of discretion at the dispositional hearing. S.R.R. was advised of the right to respond to the report, but she has not done so. Upon independently reviewing the entire record, as well as the no-merit report, this court concludes that counsel will be allowed to withdraw and the TPR order will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

This court agrees with counsel's analysis and conclusion that any challenge to the TPR order would lack arguable merit. There was evidence at trial that, after testing positive for methamphetamine at birth, T.A.R. was placed outside the home for more than six months pursuant to an order for a child in need of protective services (CHIPS). S.R.R. continued to test positive for methamphetamines throughout the duration of the CHIPS order and failed to meet several of the conditions for T.A.R.'s return—including compliance with medication recommendations, maintaining employment, and participating in all scheduled visitation periods. T.A.R.'s foster parents had taken him home from the hospital and the circuit court noted there was a very strong likelihood that they would adopt T.A.R. The court reasonably concluded that termination of parental rights was in T.A.R.'s best interests given his stability in the foster parents' home and his lack of a substantial relationship with S.R.R.

This court's independent review of the record discloses no other potential issues for appeal and therefore concludes that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Accordingly,

IT IS ORDERED that order terminating parental rights is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Thomas Brady Aquino is relieved of any further representation of the appellant in this matter pursuant to 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