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DISTRICT III

March 21, 2023

To:

Hon. James M. Isaacson
Circuit Court Judge
Electronic Notice

James B. Sherman
Electronic Notice

Jessica Hermann
Register in Probate
Chippewa County Courthouse
Electronic Notice

R. K.
27547 20th Ave., Lot 8
Cadott, WI 54727

Gail R. Prock
Electronic Notice

Jeremy Newman
Electronic Notice

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

2023AP72-NM	Chippewa County Department of Human Services v. R. K.
2023AP73-NM	(L. C. Nos. 2021TP34, 2021TP36)

Before Hruz, 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).

Ronald appeals from orders in consolidated appeals terminating his parental rights (TPR) to two children, Wanda and Walter.² Assistant State Public Defender Jeremy Newman 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 sets forth the procedural

¹ These appeals are decided by one judge pursuant to WIS. STAT. § 752.31(2) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

² Pursuant to WIS. STAT. RULE 809.81(8), we use pseudonyms instead of the parties' names in these confidential matters.

history of the cases and addresses the sufficiency of the evidence to support grounds for termination, a directed verdict on one of the special verdict questions, and the circuit court's exercise of discretion at the disposition phase of the proceedings. Ronald was advised of his right to respond to the report, but he has not filed a response. Upon independently reviewing the appellate records, as well as the no-merit report, we conclude that counsel will be allowed to withdraw and the TPR orders shall be summarily affirmed. *See* WIS. STAT. RULE 809.21.

The Chippewa County Department of Human Services (the County) filed TPR petitions against Ronald alleging that twins Wanda and Walter were in continuing need of protection and services (CHIPS) under WIS. STAT. § 48.415(2)(a). At trial during the grounds phase, Ronald testified that: (1) he had provided THC to the children's mother while she was pregnant and he was aware that the mother used drugs during her pregnancy; (2) the children were placed outside of the home pursuant to a CHIPS order shortly after being born with methamphetamine and THC in their systems; (3) he was aware that the CHIPS order set conditions for the return of the children, and he had been provided with TPR warnings; (4) he failed to comply with a number of the conditions for the children's return, including by missing visits and drug tests; and (5) the County made reasonable efforts to provide him with services to help him meet the conditions of return. The County also introduced exhibits documenting the CHIPS order and TPR warnings, and it presented testimony from three social workers, the children's mother, and the children's foster mother. The circuit court directed a verdict on the question of whether the children had been placed outside of the home pursuant to a court order for more than six months, and the jury returned verdicts against Ronald on the remaining questions.

At the disposition phase, the circuit court found that the children were highly likely to be adopted by their foster parents; that removing the children from their foster home would be

traumatic; and that the children had no substantial relationship with Ronald or his family. The court concluded that termination of Ronald's parental rights would be in the children's best interests.

We agree with counsel's analysis and conclusion that any challenge to the sufficiency of the evidence, the directed verdict on one of the special verdict questions, or the disposition would lack arguable merit. Our independent review of the records 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,

IT IS ORDERED that the orders terminating R.K.'s parental rights are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Assistant State Public Defender Jeremy Newman is relieved of any further representation of R.K. in these matters 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