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**DISTRICT II**

July 16, 2025

To:

Hon. Douglas R. Edelstein  
Circuit Court Judge  
Electronic Notice

Amber Letourneau  
Juvenile Clerk  
Fond du Lac County Courthouse  
Electronic Notice

Thomas Brady Aquino  
Electronic Notice

Michael E. O'Rourke  
Fond du Lac District Attorney's Office  
160 S. Macy Street  
Fond du Lac, WI 54935

John W. Herrick  
Electronic Notice

A. A. S.

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

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2025AP859-NM

Fond du Lac County DSS v. A. A. S. (L.C. #2023TP34)

Before Lazar, 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).**

A.A.S. appeals from an order voluntarily terminating her parental rights (TPR) to her daughter, A.R.D.<sup>2</sup> 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.

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

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

738, 744 (1967). A.A.S. was advised by counsel and this court 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. The TPR order will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

On October 16, 2023, Fond du Lac County filed a petition to terminate the parental rights of A.A.S. to A.R.D. The petition cited as the grounds for termination the continuing violations of a CHIPS<sup>3</sup> order. *See* WIS. STAT. § 48.415(1), (6). A.A.S. initially contested the petition. However, she later filed an affidavit setting out consent to terminate her parental rights.

A.A.S. was represented by counsel during the TPR proceedings in the circuit court. The court conducted a colloquy with A.A.S. to ensure that she intended to voluntarily terminate her parental rights. After determining that A.A.S. intended to voluntarily terminate her rights and that she understood the consequences of her decision, the court proceeded to disposition. The court determined that it would be in A.R.D.'s best interest to terminate A.A.S.'s rights. This no-merit appeal follows.

The no-merit report addresses whether there would be any merit to a claim that A.A.S. did not voluntarily terminate her parental rights. The voluntary termination of parental rights is a two-step process. WIS. STAT. § 48.41. First, the circuit court determines whether the statutory standards for voluntary termination are met. Sec. 48.41(2)(a). If those standards are met, the court “may proceed immediately to a disposition of the matter after considering the standard and

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<sup>3</sup> CHIPS is an acronym used to refer to a child in need of protection or services.

factors specified in § 48.426,” at which the primary consideration for the court is the child’s best interest. Sec. 48.41(1).

The no-merit report first addresses whether there would be any arguable merit to a claim that A.A.S.’s termination of her rights to A.R.D. was not knowing, intelligent, and voluntary. The circuit court engaged in an on-the-record colloquy with A.A.S. to confirm that she knew she was giving up her right to a jury trial and that she had not been forced, threatened, pressured, or paid to give up that right. The court determined that A.A.S. had a high school diploma and fully understood the TPR process and her rights. A.A.S. confirmed for the court that she had discussed the decision with her trial counsel and was making it freely. The court informed A.A.S. that she did not have to voluntarily terminate her rights and could instead contest the grounds for termination. The court also told A.A.S. that even if she did not contest the grounds, she could still contest the disposition. When asked if she was satisfied with trial counsel’s representation of her, A.A.S. replied: “Yes. Very much so.” Having had a thorough colloquy with the court, A.A.S. confirmed her decision to voluntarily terminate her rights to A.R.D. Upon an independent review of the Record, this court agrees with counsel that any challenge to this issue would be without arguable merit.

Next, the no-merit report discusses whether there would be arguable merit to a challenge to the dispositional phase of the termination proceedings. The report indicates that the circuit court acknowledged and applied the best interest of the child standard. The parties agreed that the court report submitted by the County social worker could be relied upon by the court to determine the proper disposition. The report indicated that A.R.D., who was eleven years old at disposition, had been in A.A.S.’s care for a total of about eight months over the course of the past five and one-half years. It further indicated that A.A.S. had used drugs and committed other

crimes in front of A.R.D. The foster family that had been caring for A.R.D. indicated a desire to adopt her, and A.R.D. stated she wanted them to adopt her. We conclude that any argument that the court erroneously exercised its discretion in finding that it would be in the best interest of A.R.D. to terminate A.A.S.'s parental rights would lack arguable merit.

We are satisfied that counsel thoroughly reviewed the Record and analyzed all issues to determine whether there are any issues of merit. Our independent review of the Record discloses no other potential issues for appeal. We therefore conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* 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.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*