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**DISTRICT III**

February 24, 2026

To:

Hon. James M. Isaacson  
Circuit Court Judge  
Electronic Notice

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N. A. D.

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

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2026AP29-NM                      J. U. v. N. A. D. (L. C. Nos. 2016TP21, 2016TP22, 2016TP23)  
2026AP30-NM  
2026AP31-NM

Before Hruz, 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).**

In these consolidated appeals, counsel for Noah<sup>2</sup> has filed a no-merit report pursuant to WIS. STAT. RULES 809.107(5m) and 809.32, concluding that there is no arguable basis for

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<sup>1</sup> These appeals are decided by one judge pursuant to WIS. STAT. § 752.31(2) (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 the pseudonym “Noah” when referring to the appellant in these confidential matters, and we use the pseudonym “the Uptons” when referring to the respondents.

challenging orders terminating Noah’s parental rights to three children. Noah was advised of his right to file a response to the no-merit report, but he has not responded. Upon our independent review of the records, as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the orders terminating Noah’s parental rights. *See* WIS. STAT. RULE 809.21.

On November 21, 2016, the Uptons filed petitions to terminate Noah’s parental rights to three children.<sup>3</sup> On February 14, 2017, the circuit court found that Noah had failed to appear in the proceedings and found grounds for termination of his parental rights. On March 15, 2017, the court issued orders with respect to each child stating that Noah’s parental rights had been terminated voluntarily. On April 5, 2017, the court issued amended orders stating that Noah’s parental rights to each child had been terminated involuntarily. The Uptons subsequently adopted all three of the children.

On December 2, 2024, the circuit court received a letter from Noah asserting that he had never received notice of the termination of parental rights (TPR) proceedings, which “prevented [him] from participating in the proceedings and asserting [his] rights as a parent.” Noah, by appointed counsel, then moved to vacate the default judgments and dismiss the TPR petitions for lack of personal jurisdiction. The parties subsequently stipulated that Noah had not been properly served with the TPR petitions, but they agreed that in lieu of dismissing the petitions for lack of personal jurisdiction, Noah would accept service of amended TPR petitions, the parties

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<sup>3</sup> The Uptons also petitioned to terminate the parental rights of the children’s mother. The mother’s parental rights were voluntarily terminated, and those terminations are not before us in these no-merit appeals.

would follow the statutory TPR procedures, and the court would issue amended orders on the petitions at the conclusion of those proceedings.

The Uptons filed amended TPR petitions on June 18, 2025, alleging two grounds for termination of Noah’s parental rights—abandonment and failure to assume parental responsibility. *See* WIS. STAT. § 48.415(1)(a)3., (6)(a). The Uptons then moved for partial summary judgment on the abandonment ground, and the circuit court granted that motion on August 27, 2025.

A dispositional hearing took place on September 8, 2025, but after the first witness’s testimony, Noah’s attorney informed the circuit court that Noah had decided to voluntarily terminate his parental rights. As required by WIS. STAT. § 48.41(2)(a), the court and the attorneys then conducted a colloquy with Noah, after which the court found that Noah’s decision to voluntarily terminate his parental rights was made freely and voluntarily. The court subsequently determined, after considering the factors set forth in WIS. STAT. § 48.426(3), that the termination of Noah’s parental rights would be in the children’s best interests. *See* § 48.41(1). The court then entered orders voluntarily terminating Noah’s parental rights.

The no-merit report addresses whether there are any arguable grounds to challenge Noah’s voluntary termination of his parental rights under WIS. STAT. § 48.41—either because Noah’s decision was not made freely and voluntarily, or because the circuit court erred by determining that the termination of Noah’s parental rights would be in the children’s best interests. We agree with counsel’s description, analysis, and conclusion that these issues lack arguable merit, and we therefore do not address them further.

Although not addressed in the no-merit report, we also note that any challenge to the TPR orders based on a failure to comply with statutory time limits would lack arguable merit. Within 30 days after the amended TPR petitions were filed, the circuit court held a hearing to determine whether Noah intended to contest the petitions, as required by WIS. STAT. § 48.422(1). The court then scheduled a factfinding hearing on the petitions within 45 days, as required by § 48.422(2). However, Noah subsequently moved the court to find good cause to exceed the 45-day time limit for holding the factfinding hearing. At a later hearing, Noah’s attorney confirmed that Noah was waiving the 45-day time limit, and the court then granted Noah’s request to exceed that time limit. Under these circumstances, there would be no arguable merit to a claim that the court lost competency by failing to comply with the 45-day time limit in § 48.422(2). *See* WIS. STAT. § 48.315(3) (stating that the “[f]ailure to object to a period of delay or a continuance waives any challenge to the court’s competency to act during the period of delay or continuance”).

Our independent review of the records discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the orders are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Thomas Brady Aquino is relieved of further representation of N.A.D. in these matters. *See* 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*