No. 17-118212-A

IN THE
COURT OF APPEALS
OF THE
STATE OF KANSAS

IN THE MATTER OF THE ADOPTION OF C.D.F.
DOB XX/XX/2009
Petitioner-Appellant

BRIEF OF THE APPELLANT
CROSS-APPELLEE

Appeal from the District Court of Shawnee County, Kansas
Honorable Frank J. Yeoman, Judge
District Court Case No. 2017-AD-000022

Lisa M. Williams-McCallum, #26416
Williams Family Law
1620 SW Washburn Avenue
Topeka, Kansas 66604
(785) 217-4603
lisa.williams@wmsfamilylaw.com
Attorney for the Petitioner-Appellant

Oral Argument: 15 minutes

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Nature of the Case

This is a cross-appeal by the natural father, D.O.F., of the District Court's Memorandum Decision and Order of August 3, 2017 finding that the attorney fees are the responsibility of each party. (RI p88)

This is not a custody case. It is not a divorce case. It is not a paternity case. It is not a Child in Need of case. It is a stepparent adoption case controlled by the Kansas Adoption and Relinquishment Act. K.S.A. 59-2111 *et. seq.* All of the parties were known at the time the petition was filed and no other court had jurisdiction over this adoption.

The issue before this court presently in the cross-appeal is simple: 1) whether it was appropriate for the district court to assess attorney fees to the respective parties, and 2) whether or not the consent of the natural father can be deemed necessary without a hearing, based solely upon the pleadings and statements made by counsel.

The controlling statues for an adoption proceeding are found in Chapter 59 and is known as the Kansas Probate Code. Specifically, the Kansas Adoption and Relinquishment Act is located at 59-2111*et. seq.* In this self-contained Act, all of the policy and procedure of adoption can be found.

D.O.F.'s counsel was appointed pursuant to K.S.A. 59-2136(c) to locate and provide notice. Counsel did not file a Poverty Affidavit on D.O.F.'s behalf so that there could be a hearing to determine whether or not D.O.F. met the

requirement of indigency and thereby be appointed counsel pursuant to K.S.A. 59-2136(h)(1).

There is no need to look outside of this statutory scheme to effectuate an adoption in Kansas. The District Court, recognizing its authority within the act, assessed each party responsible for their own attorney fees when it sustained D.O.F.s Petition to Dismiss without a hearing on the evidence. Nowhere in the applicable case law can it be found that an adoption was either granted or denied without a hearing.

This cross-appeal by D.O.F. follows that judgment.

Statement of the Issue

Issue I: Whether the District Court correctly assessed attorney fees to the respective parties in this stepparent adoption when it issued its Memorandum Decision and Order on August 3, 2017.

A. Diligent search prior to filing the petition for adoption and termination of parental rights
B. Erroneously represented FAs whereabouts were unknown
C. Easily discernible and uncontested facts fail to meet statutory burden for TPR

Statement of Facts

Jurisdiction and venue are proper in Shawnee County, Kansas.

Petitioner-Appellant (hereinafter W.E.R.) and the mother of the child were married in 2011 and have lived with and provided for the proposed adoptee together since that time. (RI p8) During this same time, and more specifically,

during the two years preceding the filing of the petition, the natural father had not independently contacted the child, had no place for the child to stay during his parenting time, and most importantly, failed to provide a substantial portion of the child support as required by judicial decree when financially able to do so by failing to disclose his annual income to the mother. (RI p39-41)

W.E.R. filed his Petition for Adoption and Termination of Parental Rights on March 28, 2017. (RI p8) On March 30, 2017, W.E.R.'s attorney was contacted by the Court to say that an attorney was being appointed for an unknown/unfound father. Attorney advised that W.E.R. knew the natural father, his address, and phone number. Attorney was subsequently advised that an attorney was being appointed regardless. (RIII p8) With this, the appointed attorney was provided with the natural father's address and phone number. Appointed counsel made contact with the natural father the same day.

At the status hearing on April 13, 2017, the Court asked W.E.R.'s counsel to amend the petition to include more substantive information concerning the whereabouts of the natural father and the basis upon which D.O.F.'s parental rights were to be terminated. (RII p10) This was completed and filed on April 17, 2017. (RI p38)

At the status hearing on May 26, 2017, a discovery deadline was set and W.E.R. was asked for a responsive pleading to the Father's Answer and Amended Petition to Dismiss Amended Petition for Adoption and Termination of Parental Rights. (RIII p16-17) At this time, W.E.R. disputed the continued participation of

D.O.F.'s counsel as being outside the scope of his appointment under K.S.A. 59-2136(c), as he was appointed merely to locate, not to represent the natural father. (RIII p3-4) No Affidavit was filed to determine indigence with regard to natural father. (RIII p9)

The Court filed its Memorandum Decision and Order on August 3, 2017, whereby dismissing W.E.R.'s Petition for Adoption, without a hearing of the evidence. (RI p84) Additionally, the Court assigned the parties to each pay their own attorney fees. (RI p88)

The natural father filed this cross-appeal.

Arguments and Authorities

Standard of Review

The amount of attorney fees to be awarded is within the sound discretion of the awarding court. *Snider v. American Family Mut. Ins. Co.,* 297 Kan. 157, 168–69, 298 P.3d 1120 (2013). On appeal, we review a district court's fee award for abuse of discretion. 297 Kan. at 169, 171, 298 P.3d 1120; *Rinehart v. Morton Buildings, Inc.,* 297 Kan. 926, 942, 305 P.3d 622 (2013); *Unruh v. Purina Mills,* 289 Kan. 1185, 1202, 221 P.3d 1130 (2009). A district court abuses its discretion only when it bases its decision on an error of fact or law or when its decision is so unreasonable that no reasonable person would agree with it. *Snider,* 297 Kan. at 169, 298 P.3d 1120; *In re M.H.,* 50 Kan.App.2d 1162, ——, 337 P.3d 711, 719 (2014).

Issue I: Whether the District Court correctly assessed attorney fees to the respective parties in this stepparent adoption when it issued its Memorandum Decision and Order on August 3, 2017.

Cross-Appellent, natural father, contends that the district court abused its discretion when it assessed each party responsible for their own separate attorney fees based on three premises: 1) the Petitioner failed to conduct a diligent inquiry prior to filing the petition; 2) the Petitioner erroneously represented to the Court that natural father's whereabouts were unknown; and 3) the easily discernible and uncontested facts failed to meet the statutory burden to terminate the natural father's parental rights. Based on this, the natural father believes that the Petitioner should bear his costs.

Appointment of Counsel and Associated Attorney Fees

As has been said many times before, adoption did not exist at common law. In order to accomplish an adoption, a legislatively created scheme must be followed regarding notice, hearing, consent, and pleadings, whether it is an independent or agency adoption in Kansas, *In re. Application to Adopt H.B.S.C.*, 28 Kan.App.2d 191, 197, 12 P.3d 916, 921 (2000). To that end, the Kansas Adoption and Relinquishment Act (KARA), K.S.A. 59-2111 *et seq.*, was enacted. As such, the KARA must be strictly construed.

The appointment of counsel by the Court's own motion was premature. This matter was filed on March 28, 2017, counsel was appointed on March 30, 2017. (RI p8) At no time was D.O.F. unknown, as the natural parents were

married at the time C.D.F. was conceived and born. (RI p9) Additionally, W.E.R. and the natural mother knew the home address and telephone number for D.O.F. This information was provided to appointed counsel on the day of his appointment, however, at no time had additional counsel been requested by W.E.R. (RIII p8) Counsel was appointed pursuant to K.S.A. 59-2136(c).

There are two instances in which counsel could be appointed in a stepparent adoption. First, where a parent is unknown or whose whereabouts are unknown, as prescribed by K.S.A. 59-2136(c). This statute makes this appointment discretionary by the court:

> In stepparent adoptions under subsection (d), the court *may* appoint an attorney to represent any father who is unknown or whose whereabouts are unknown. In all other cases, the court shall appoint an attorney to represent any father who is unknown or whose whereabouts are unknown. If no person is identified as the father or a possible father, the court shall order publication notice of the hearing in such manner as the court deems appropriate. (Emphasis added)

Once notice had been achieved, either by personal service or publication, the appointed attorney is directed by K.S.A. 59-2136(f) that, "Proof of notice shall be filed with the court before the petition or request is heard."

Second, when a parent is identified, appears, and asserts parental rights but is *financially unable to afford counsel*, an attorney shall be appointed. K.S.A. 59-2136(h)(1),

> When a father or alleged father appears and asserts parental rights, the court shall determine parentage, if necessary pursuant to the Kansas parentage act, K.S.A. 2016 Supp. 23-2201 *et. seq*., and amendments thereto. If a father desires but is financially unable to

> employ an attorney, the court *shall* appoint an attorney for the father. (Emphasis added)

It is clear then, that the statute contemplates a narrow role for appointed counsel in the first instance and a broader role in the second. In this matter, counsel was appointed in the first instance, charged with locating and providing notice *only*. "An attorney appointed to represent an unknown or un-located natural father is appointed to assess whether a due diligence search has been made to identify and locate the birth father, and to review the adequacy of the notice. If the father is identified and located, and he objects to the termination of his parental rights, the appointed counsel can continue *only if* the birth father is unable to afford an attorney." (Emphasis added) Martin W. Bauer & Megan S. Monsour, *Adoptions Under Kansas Law* in *Practitioner's Guide to Kansas Family Law* 18-1, 18-31 (Scott M. Mann, 2016 Rev., Kan. Bar Assn. 2016).

Here, while there is no case law on this narrow issue, a plain reading of the statute points to two acts appointed counsel must perform. Under K.S.A. 59-2136(c)(f), appointed counsel's role, in this case, ended once; 1) notification of the proceedings to D.O.F. was made; and 2) a proof of notice was filed with the court. D.O.F. then had a choice to make, after being duly advised by counsel that he needed to either retain private counsel, or if found to be *indigent* by the court, continue with appointed counsel. In any event, appointed counsel, on his own volition continued to work on D.O.F.'s behalf and incurring fees, all outside the scope of the appointment.

D.O.F. asserts that the Court erred when it failed to assess attorney fees to the Petitioner. K.S.A. 59-2134(c) clearly says, "The costs of the adoption proceedings shall be paid by the petitioner *or as assessed by the court.*" (Emphasis added) While this does not directly point toward attorney fees as costs of the adoption, when read together with K.S.A. 59-104(d), which states, "Other fees shall include, but not be limited to…attorney fees." This Court found in, *In re. Adoption of D.S.D.*, "When K.S.A. 59-2134(c) is read in conjunction with K.S.A. 2000 Supp. 59-104(d), it is apparent the legislature intended that the fees of an attorney appointed to represent an *indigent* biological parent could be included as costs that may be assessed against a petitioner in an adoption proceeding. (Emphasis added) *In re. Adoption of D.S.D.*, 28 Kan.App.2d 686, 688, 12 P.3d 404, 206 (2001). As a result, the district court, vested with the authority to assess attorney fees, can do so at its discretion. This Court affirmed this idea in 2015 in *In re. F.*, when it said, "The fee award here is authorized by K.S.A. 59-2134(c) which has no language limiting the court's discretion in determining the proper amount of the attorney fee," *In re. F.*, 51 Kan.App.2d 126, 130, 341 P.3d 1290, 1293 (2015). In both of the previously mentioned cases, the trial court made an award of attorney fees against the adoptive parents, as the non-consenting parent, in both instances, where found to be at least partially indigent. It is important to note that no such finding of indigency had been made with regard to D.O.F. At the Status Conference held on May 26, 2017, counsel for D.O.F. pointedly said that D.O.F. was not indigent, worked a full-time job making $11 per hour, and was

willing to privately retain him. (RIII p. 9, 12) Moreover, both the Court and counsel for D.O.F. took issue with the idea that counsel appointed to locate an unknown, unfound father would be incentivized to continue litigation should they be automatically allowed to continue representation of the parent once found. This is exactly what has happened in this case. The Court recessed the proceedings so that Counsel could contact D.O.F. by phone to solicit business. (RIII p12) By working outside the scope of the appointment Counsel incurred fees not related to his appointment and wants the Petitioner to pay for it. This is completely inappropriate.

An Analysis under Chapter 60 is Inappropriate When Chapter 59 has a scheme for the Assessment of Attorney Fees

The District Court did not err in assessing attorney fees to the respective parties. D.O.F., though counsel claims that relief should be given under Chapter 60, however. There is no need to look to Chapter 60 in this matter as Chapter 59 grants statutory authority upon the district court to make this decision. D.O.F. cites three reasons for granting attorney fees to him under Chapter 60: 1) that the Petitioner failed to perform a diligent search prior to filing the petition; 2) that the Petitioner erroneously represented that D.O.F.'s whereabouts were unknown; and 3) that easily discernible and uncontested facts fail to meet the statutory burden to terminate his parental rights.

A. A diligent search prior to filing the petition for adoption and termination of parental rights is not statutorily required.

When an adoption is filed, the statutes require, in addition to the petition, that the written consents, an accounting, any affidavit required under the venue statutes, written genetic, medical and social history of the child and the parents, hospital records or a properly executed medical release, and birth verification all be filed at the same time. K.S.A. 59-2128(f), 59-2130(a)(1-4) What D.O.F. fails to recognize is that there is no requirement that a consent be obtained, or a search be performed from the, in this case natural father, *prior* to the filing of the petition if the petitioner believes that the evidence will show that the non-consenting father's consent will be deemed unnecessary. Nowhere in the statutes does it contemplate, nor require, a filing of an affidavit of diligent search *with* the petition.

B. D.O.F.'s whereabouts were not unknown nor was knowledge of it misrepresented to the Court.

The Petition for Adoption and Termination of Parental Rights did not erroneously represent that D.O.F.'s whereabouts were unknown, to wit: "The natural father of the child is [D.O.F.], age 29, born September 24, 1987. The natural mother is a party to this adoption and has consented. The natural father has not consented, but shall be given notice, if he can be located. If he cannot be located, counsel will be appointed and notice published in his last known area of residence." (RI p9)

In no way was the statement concerning D.O.F.'s whereabouts misleading. D.O.F.'s general location was always known to the Petitioner and his precise

location was thought to be known by the Petitioner. (RII p3) If, a conjunction meaning, in the event (that); allowing (that); on the assumption (that); or, on condition (that), serves to introduce the conditional clause, "(that) he can be located." *If Definition.* Merriam-Webster.com, https://www.merriam-webster.com/dictionary/if (last visited Dec. 26, 2017). This sentence is immediately followed by, "If he cannot be located, counsel will be appointed and notice…" Neither sentence contemplates location, but rather affirms the statutory requirement of providing notice.

C. It is for the trier of fact to determine whether easily discernible and uncontested facts meet statutory burden for termination of parental rights upon a full evidentiary hearing.

As is foundational with adoption, the statutes must be strictly construed. Pleadings are not evidence, they are merely allegations, "[I]t is the evidence that sustains or defeats [these allegations] upon the final hearing." *Terry v. Jones*, 44 Miss.540 1871 WL 8412 (1871). With this, K.S.A. 59-2134(a) sets out that the district court, "Upon the hearing of the petition, the court shall consider the assessment and all evidence, including evidence relating to determination of whether or not the court should exercise its jurisdiction as provided in K.S.A. 59-2127 offered by any interested party." Nowhere does this suggest that a ruling on the pleadings is appropriate.

D.O.F. in his Answer, Objection to Request for Waiver of Home Study Requirement, and Petition to Dismiss Petition for Adoption and Termination of Parental Rights, his Answer and Amended Petition to Dismiss Amended Petition

for Adoption and Termination of Parental Rights, and Cross-Appeal has posited that the Court should take his word that what he asserted was true. (RI p18, 43, 90) The Kansas Supreme Court held in *In re. Adoption of Sharp*, the district court erred when it ruled after hearing only one party's evidence at trial. In *Sharp*, a natural mother opposed the adoption of her children by their stepmother. The probate court found that the natural mother failed to assume her parental duties for more than two consecutive years and that her consent was not required. The natural mother appealed to the district court who found that because of one visit within the two-year time frame before the petition was filed the natural mother's consent was in fact necessary and reversed the probate court. Importantly, the district court did not hear the evidence of the natural mother, ruling instead at the conclusion of the stepmother's presentation of the evidence, as the natural mother 'demurred to the evidence of the petitioner." *Id.* at 503. The stepmother then appealed. Most importantly, here however, in this case, there was *no hearing* on either party's evidence.

In the pleadings, D.O.F. points repeatedly to the assertion that he has paid all of his court ordered child support. However, case law provides for more than mere financial support when looking to whether or not a parent has failed or refused to assume the duties of a parent for two consecutive years. Specifically, the Kansas Supreme Court found in *In re. J.M.D.*, "effect must be given to the plainly stated statutory rebuttable presumption

> that if the father, after having knowledge of the child's birth, has knowingly failed to provide a substantial portion of the child support as required by judicial decree, when financially able to do so, for a period of two years next preceding the filing of the petition for adoption, then such father has failed or refused to assume the duties of a parent." K.S.A. 59-2136(d) *In re. J.M.D.*, 293 Kan. 153, 167, 260 P.3d 1196, 1205 (2011).

The Court went on to say, "Of course, a natural father is still free to argue that the stepparent has failed to establish the conditions precedent to the presumption set forth in the statute, such as the father's financial ability to pay the judicially decreed child support amount." *Id.* at 167. The Court followed this with, "…[A] district court is not precluded from considering a natural father's unfavorable child support payment performance as part of 'all of the surrounding circumstance,' even though all of the conditions for the statutory presumption have not been met." "…[T]he trial court must look at the totality of the circumstances when determining whether a natural father has failed to assume his parental duties under K.S.A. 2010 Supp. 59-2136(d). *Id.* at 167. In other words, whether or not a parent has failed to assume the duties of a parent for the two years prior to the filing of the petition is a factual one to be determined by the trier of fact upon the evidence at the conclusion of a complete hearing.

While no hearing was held, providing no evidence upon which to rule, the Amended Petition, filed April 17, 2017, alleges that D.O.F. was under order by the

state of Arkansas to provide the natural mother (hereinafter K.J.R.) annually income tax returns for the purposes of calculating child support. (RI p 39-40) D.O.F. knew, or should have known, that the consequence of a failure to pay could result in the termination of his parental rights as it was clearly spelled out in the Divorce Decree and the Mandatory Supplemental Orders. By his own admission, D.O.F. admits that he has never provided this information to K.J.R. (RI p44) It should be noted that the Arkansas Decree of Divorce also ordered D.O.F. to obtain insurance for the minor child, pay one-half of related expenses, and that the non-custodial parent's insurance would be considered the primary insurance. He has done none of this.

In a review of the case law, consistently it has been held that a failure to provide a substantial portion of support, when financially able to do so and ordered by a court, there is a rebuttable presumption that the parent has, "failed to assume the duties of a parent" under K.S.A. 59-2136(d). See *In re. Adoption of R.W.B.*, 27 Kan. App. 2d 549, 555, 7 P.3d 306, 311 (2000) (finding, "[A] father has failed to provide a substantial portion of the child support as provided by K.S.A. 59-2136(d) when he fails to pay at least 69 percent of court-ordered support. As a result, the rebuttable presumption that the father failed and refused to perform his parental duty of providing support to his children is applicable.")

Under facts similar to those in the instant case, in *R.W.B.*, this court affirmed the district court when it found that the consent of the natural father was not necessary because he, among other things, failed to provide a substantial

portion of the ordered child support and medical insurance coverage. *R.W.B.* at 555.

In addition to the financial aspect regarding the support of a child making consent necessary, the courts have also consistently found that a natural parent has an obligation to provide for the mental and emotional health of their children. This court said in *J.M.D.*, "As this discussion of the development of Kansas stepparent adoption law demonstrates, we have consistently repeated that all surrounding circumstances are to be considered when determining whether a natural parent must consent to a stepparent adoption." *J.M.D.* at 167. This court went on to say, "…[A] district court is not precluded from considering a natural father's unfavorable child support payment performance as part of 'all of the surrounding circumstances,' even though all of the conditions for the statutory presumption have not been met. In other words, as we call on district courts to do in many other contexts the trial court must look at the totality of the circumstances when determining whether a natural father has failed to assume his parental duties under K.S.A. 2010 Supp. 59-2136(d)." *Id.*

K.S.A. 59-2136(d) allows for the court to, "[D]isregard incidental visitations, contacts, communications or contributions." Incidental in this context has been defined as, "casual; of minor importance; insignificant; or little consequence." *In re. Adoption of McMullen*, 236 Kan. 348351, 691 P.2d 17, 20 (1984).

In both the Petition for Adoption and Termination of Parental Rights and D.O.F.'s Answer, it could be shown that D.O.F.'s contacts with C.D.F. were at best incidental. He provided no transportation to/from his parenting time; he has not independently contacted C.D.F. either by telephone, email, Skype; all communication has been initiated by the paternal grandmother and/or the mother; C.D.F. does not reside with D.O.F. during his parenting time, but rather with his mother; and D.O.F. has provided no cards, gifts, or letters to C.D.F. for the entirety of the time C.D.F. has lived in Kansas (RI p40-41, 44-45)

Additionally, D.O.F. incorrectly shifts the duty to the natural mother to enforce the Order of the court in the divorce decree. Per the Arkansas Divorce Decree, D.O.F. had an affirmative duty to inform the natural mother on an annual basis of his income by providing her with his income tax return. (RI p39) From this, D.O.F. was on notice that he had a continuing obligation. D.O.F. has repeatedly asserted that if the natural mother wanted the information, she should have asked for it. (RI p44) This is a misunderstanding of the Order as it was written.

While distinguishable because of the facts, this Court held in *In re. Adoption of M.D.K.*, that, "A father need only carry out an available option to the best of his ability to maintain his rights, but he must act affirmatively." *In re M.D.K.*, 30 Kan.App.2d 1176, 1181, 58 P.3d 745, 750 (2002). In *M.D.K.*, an unwed father opposed the adoption of his child by the maternal grandparents. The natural father claimed that the support he provided was the best that he could do,

and the natural mother thwarted is attempts of support. This Court found his arguments to have no merit. While the facts differ, the sentiment is applicable. The available option to D.O.F. was to provide financial information to the natural mother on an annual basis, and his parental rights would not have been placed in jeopardy.

It should also be noted that when the natural mother was granted permission to relocate to Kansas from Arkansas by the Arkansas court, D.O.F. was again ordered to provide mother with a current pay stub once he found employment and of his duty to pay child support. (RI p39) Until documents were requested through discovery, D.O.F. never provided mother with income information.

The duty to take affirmative action to maintain parental rights is applicable here. D.O.F. was aware, or should have been aware, that he had a duty to provide financial information to the natural mother of his child on an annual basis or else face the possibility of termination of his parental rights. Further, D.O.F. is on notice through the Order in the Divorce Decree that he had an obligation to provide insurance, pay a portion of non-covered medical expenses, etc. This matter is not just about child support as D.O.F. would have the Court to believe. Had there been a hearing on the petition, evidence would have been presented that would have supported the presumption that D.O.F. failed to assume the duties of a parent for the two years prior to the filing of the petition.

Because Chapter 59 is applicable to adoption proceedings, there is no reason to look to Chapter 60 in the assessment of attorney fees. With this, the District Court, as is allowable under Chapter 59, correctly assessed attorney fees to the respective parties.

Conclusion

The issue before this court presently in the cross-appeal is simple: Whether it was appropriate for the district court to assess attorney fees to the respective parties under Chapter 59 of the Kansas Adoption and Relinquishment Act.

As a result of the District Court's Order based solely on the pleadings, the Court's action was contrary to the statutory scheme intended by the legislature. It is clearly provided that once the petition was filed and the appropriate notices had been given, if a parent does not consent to the adoption of their child, a hearing is held. If this were not so, there would have been no provision for it in the statutes. Additionally, no Poverty Affidavit was filed and no hearing was held to determine whether or not D.O.F. would qualify for appointed counsel to continue working on his behalf at the Petitioner's expense.

The appointment of counsel was erroneous in the first place. The provisions of K.S.A. 59-2136(c) provide that counsel may be appointed for an unknown or unfound father to do a specific set of tasks once counsel has been requested and an Affidavit of Diligent Search has been filed. At the time of the appointment, there was no unknown or unfound father. Both the Court and Counsel have misunderstood the purpose of the appointment. Counsel is a psychologist by

formal training and customarily prepares reports for the court's consideration in domestic matters. That is not what was needed in this matter. Because the Court took what Counsel said as evidence, the result was that the Petitioner denied due process, and lost the opportunity to cross examine D.O.F. under oath. Any attorney fees accrued by D.O.F. as a result of this appointment are correctly borne by D.O.F. and a fee assessment under a Chapter 60 analysis is inappropriate.

Because the District Court abused its discretion by failing to have a hearing, the stepfather was denied due process, as he had no opportunity to be heard on the petition and present evidence to the trier of fact. Since there was no hearing, no determination was made as to whether or not D.O.F. was entitled to continued representation by appointed counsel. For each of the foregoing reasons, the Petition to Dismiss should be vacated with the matter being remanded for a hearing to determine whether or not D.O.F. qualifies for court appointed counsel and whether or not his consent is even necessary in this stepparent adoption.

Respectfully submitted,

WILLIAMS FAMILY LAW
/s/ Lisa M. Williams-McCallum
Lisa M. Williams-McCallum, #26416
1620 SW Washburn Avenue
Topeka, Kansas 66604
(785) 217-4603
(785) 232-5412 Fax
lisa.williams@wmsfamilylaw.com
Attorney for Petitioner-Appellant

Certificate of Service

I hereby certify that the foregoing was filed with the e-flex system for Kansas Electronic Filing, thereby effecting service on Milfred Dale, and that a copy of the same also was sent via electronic mail on December 27, 2017, to buddalelaw@aol.com.

/s/ Lisa M. Williams-McCallum

Lisa M. Williams-McCallum