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**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT II**

December 17, 2025

To:

Hon. Andrew J. Christenson  
Circuit Court Judge  
Electronic Notice

Michelle Weber  
Clerk of Circuit Court  
Fond du Lac County Courthouse  
Electronic Notice

Leonard D. Kachinsky  
Electronic Notice

Michael E. O'Rourke  
Electronic Notice

S.K.E.

David W. Franker  
Franker Law Office  
P.O. Box 930331  
Verona, WI 53593-0331

John W. Herrick  
Electronic Notice

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

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2025AP2325-NM	State v. S.K.E. (L.C. #2024TP2)
2025AP2327-NM	State v. S.K.E. (L.C. #2024TP4)

Before Grogan, 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).**

S.K.E., who we will refer to as “Sheila,” appeals from orders terminating her parental rights to her children, Ophelia and Gretl.<sup>2</sup> Appellate counsel, Leonard D. Kachinsky, has filed a no-merit report. *See* WIS. STAT. RULES 809.107(5m), 809.32; *see also Anders v. California*, 386

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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> We use pseudonyms to refer to all parties to this confidential matter. *See* WIS. STAT. RULE 809.81(8).

U.S. 738 (1967). Sheila was advised of her right to file a response, but she has not responded. Based upon an independent review of the Record as mandated by *Anders* and the no-merit report, this court concludes that there are no arguably meritorious issues to pursue on appeal. Therefore, the orders terminating Sheila's parental rights are summarily affirmed. *See* WIS. STAT. RULE 809.21.

Ophelia was removed from Sheila's care in February 2016. A petition alleging grounds under WIS. STAT. § 48.13(10) was filed at that time. At a dispositional hearing in June 2016, the child was adjudicated under § 48.13(10m) and placed out of the home. Ophelia was continuously placed out of the home pursuant to one or more trial court orders all containing the termination of rights notice required by law. *See* § 48.13.

Gretl was removed from Sheila's care in February 2022. A petition alleging grounds under WIS. STAT. § 48.13(10) was filed at that time. At a dispositional hearing in June 2022, the child was adjudicated under § 48.13(10m) and placed out of the home. Gretl was continuously placed out of the home pursuant to one or more trial court orders all containing the termination of rights notice required by law. *See* § 48.13.

In February 2024, the State filed petitions seeking to terminate Sheila's parental rights.<sup>3</sup> As grounds against Sheila, the petition alleged continuing CHIPS with respect to both Ophelia and Gretl. *See* WIS. STAT. § 48.415(2), (6).

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<sup>3</sup> The petitions also sought to terminate Sheila's parental rights to a third daughter, Lara, as well as the parental rights of Lara's father and of Ophelia's father, but those matters are not before this court and we do not address them further.

Sheila exercised her right to a jury trial, and the case was tried to a jury over a three-day period. The jury determined that grounds existed for terminating Sheila's parental rights to both children. The case proceeded to a dispositional hearing. The trial court made findings to support its ultimate decision to terminate Sheila's parental rights to Ophelia and Gretl.

The no-merit report addresses four potential issues, including: whether there were any procedural defects in the proceedings, including such issues as the trial court's competency and compliance with mandatory time limits; whether the court erroneously exercised its discretion in admitting any evidence or in making any rulings at trial; the sufficiency of the evidence of grounds for termination; and the court's discretionary decision to terminate Sheila's parental rights. The lengthy no-merit report thoroughly discusses these issues, including references to trial testimony and relevant statutory authority. This court agrees with appellate counsel that there would be no arguable merit to pursuing a postdisposition motion or a merit appeal based on those issues, and we will briefly elaborate on two of the issues below.

We begin with the sufficiency of the evidence. When a termination petition alleges as grounds that a child is in continuing need of protection or services, the State must prove: that the child has been placed out of the home for a cumulative total of more than six months pursuant to trial court orders containing the termination of parental rights notice; that the applicable agency has made a reasonable effort to provide services ordered by the court; and that the parent has failed to meet the conditions established in the order for the safe return of the child to the parent's home. *See* WIS. STAT. § 48.415(2)(a). The State has the burden to show that grounds for termination exist by clear and convincing evidence. *Evelyn C.R. v. Tykila S.*, 2001 WI 110, ¶22, 246 Wis. 2d 1, 629 N.W.2d 768.

At trial, the primary contested issues were whether the Department of Human Services had made reasonable efforts to assist Sheila and whether Sheila had failed to meet the conditions in the CHIPs orders. The State presented evidence that despite intensive efforts by the Department social worker to help Sheila meet the conditions of return, Sheila had not yet succeeded in addressing her mental health issues, including recent significant emotional trauma, and her drug addiction, which prevented her from satisfying several conditions in the CHIPs orders. For instance, the trial court heard testimony that the Department social worker had twice arranged for reunification with the children when Sheila was successfully responding to Department services. However, although Sheila reportedly managed her children well upon their initial return, after both reunification periods the children were removed from Sheila's care due to relapsing into continuing drug use. Based on the existence of ample evidence supporting grounds for termination, we conclude that there would be no arguable merit to challenging the sufficiency of the evidence to support the jury's findings.

Finally, appellate counsel addresses whether the trial court erroneously exercised its discretion when it terminated Sheila's parental rights to her children. This court agrees with counsel that there is no arguable merit to this issue. "The ultimate decision whether to terminate parental rights is discretionary." *Gerald O. v. Cindy R.*, 203 Wis. 2d 148, 152, 551 N.W.2d 855 (Ct. App. 1996). The court must consider the factors set forth in WIS. STAT. § 48.426(3), giving paramount consideration to the best interest of the child. *See Gerald O.*, 203 Wis. 2d at 153-54. Here, the Record reflects that the court expressly considered the relevant factors in light of the evidence, made a number of factual findings based on that evidence, and reached a reasonable decision. For example, the court recognized that for both Ophelia and Gretl, who had each lived with a single foster family that wanted to adopt the child, *see* § 48.426(3)(a), "the likelihood of

adoption ... would be very high.” We conclude that any challenge to the trial court’s decision to terminate Sheila’s parental rights to Ophelia or Gretl would be without arguable merit.

Our independent review of the Record reveals no other potential issues of arguable merit.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Leonard D. Kachinsky is relieved from further representation of S.K.E. in this appeal. *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*