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DISTRICT II

April 1, 2026

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

2026AP297-NM	Waukesha County v. T.P.C. (L.C. #2024TP17)
2026AP298-NM	Waukesha County v. T.P.C. (L.C. #2024TP18)
2026AP299-NM	Waukesha County v. T.P.C. (L.C. #2024TP19)

Before Gundrum, 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).

Timothy appeals from orders terminating his parental rights to his children Steven, Samuel, and Simon.² Appellate counsel, Leonard D. Kachinsky, has filed a no-merit report. *See*

¹ This appeal is 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.

WIS. STAT. RULES 809.107(5m), 809.32; *see also Anders v. California*, 386 U.S. 738 (1967).

Timothy was advised of his right to file a response, but he has not responded. Based upon our independent review of the records and the no-merit report, this court concludes that an appeal would lack arguable merit. Therefore, the orders terminating Timothy’s parental rights are summarily affirmed.

In August 2018, Timothy left the home he shared with his then-wife, Clara, and their children Steven, Samuel, and Simon, then ages five, four, and two, because of Clara’s abusive behavior. Clara made reciprocal abuse allegations against Timothy. Ultimately, Timothy filed for legal separation, which was eventually converted to a divorce. From August 2018 to May 2019, Timothy did not see his children. Starting in May 2019, he generally had twice weekly, two-hour supervised visits with the children. He did not see his children from December 2019 until approximately June 2020. He then had once weekly, two-hour supervised visits with the children. In July 2022, before the final divorce judgment could be entered, Clara absconded with the children to Russia.

In August 2022, the circuit court entered the final divorce judgment. As relevant, the court found that because of Timothy’s “on-going mental health issues and physical challenges” and Clara’s “high manipulation of the children” along with her “very divergent and sometimes bizarre belief patterns,” neither parent could adequately provide for the health, safety, or welfare of the children. The court transferred legal custody and placement of the children to the Waukesha County Department of Health and Human Services.

² For ease of reading and to maintain confidentiality, we employ pseudonyms for the children and parents in this case. *See* WIS. STAT. RULE 809.86(1).

In late September 2022, through coordinated efforts of various governmental agencies, Clara and the children returned to the United States, and the children were placed in foster care consistent with the family court's order. In October 2022, the children's guardian ad litem ("GAL") filed petitions for protection or services. In July 2023, the circuit court entered dispositional orders finding the children to be in need of protection or services (CHIPS).

In July 2024, Waukesha County petitioned to terminate Timothy's parental rights to Steven, Samuel, and Simon. As to Timothy, the County alleged the children were in continuing need of protection or services, and Timothy failed to assume parental responsibility. In support of the County's allegations, at a jury trial, a social worker testified that as part of Timothy's dispositional orders in each of the CHIPS cases, Timothy was required to comply with conditions of return. Although Timothy satisfied some of the conditions for return, the social worker testified Timothy failed to meet certain court-ordered conditions. Some examples of the unmet conditions were that Timothy failed to manage his mental health, show his relationship with others was safe and appropriate, and manage his anger such that he could safely parent the children.

As to his mental health, the social worker testified Timothy's depression remained the same for many years, but he chose not to seek any higher level of care for his mental health. Because of Timothy's mental health, during supervised visits, the children "try to make sure that their behaviors are such that they don't make him sad or don't make him angry, because they don't want his depression to get worse."

In regard to Timothy's failure to meet the condition showing his relationship with others was safe and appropriate, the jury learned that, during the children's time in Clara's care, Clara

had “used extreme physical abuse, such as hot and cold showers, to torture the children,” killed animals in front of the children, isolated them, threatened to shoot them, and hit them. Timothy, however, continued to wear his wedding ring in front of the children until January or February 2023 because, as he testified, he “still had some feelings for [Clara].” The social worker testified the children “have extreme concerns about [Timothy’s] ability to protect them from their mother,” and Timothy “doesn’t have a very good answer as to what would happen if [Clara] showed up at his house.”

Additionally, Timothy testified that while living with Clara, he “put his hands around her neck[.]” The social worker testified that, until his deposition for this case, Timothy historically and consistently denied any domestic violence occurred, and it was difficult for him when the children directly asked him about the violence during family therapy. As for his failure to satisfy the condition that he manage his anger such that he can safely parent, the social worker testified that Timothy had not met the condition. The social worker explained Timothy has “done nothing to address the anger and/or the domestic violence that he was part of in the home.”

Timothy testified that while he was living with Clara and the children, he cared for the children. When asked what direct parenting he did for the children from their births until August 2018, he stated “[a]s much as [Clara] would let me.” He stated that as babies, he would change diapers or do a feeding in the middle of the night. As they were older, he played with them and convinced Clara to purchase workbooks for her homeschooling. When asked if he was ever alone with the children from their births until he left in August 2018, Timothy said that when they went to Clara’s appointments, he would sometimes wait in the car with the children while Clara was inside. He testified he left in August 2018 because he was concerned that Clara

was underfeeding his children. He stated he did not take it upon himself to feed the children more food because he “was afraid that if I went against what [Clara] said or wanted, there would be a violent reaction on her part, and I would not know what would happen afterwards.” Timothy also testified that while living with Clara and the children, he observed Clara strike one of their children in the head but did nothing to intervene. Ultimately, the jury returned unanimous verdicts that established grounds to terminate Timothy’s parental rights for each child.

The court then held a dispositional hearing. The County provided evidence to support its argument for termination of Timothy’s parental rights, including that the children understood adoption and wanted to be adopted by their foster parents. The circuit court concluded that termination of Timothy’s parental rights was in the children’s best interests and subsequently entered orders to that effect for each child.

The no-merit report discusses whether Timothy could argue on appeal that the circuit court failed to comply with the statutory time limits under WIS. STAT. ch. 48. The records reflect that all of the mandatory time limits were either complied with or properly extended for good cause, without objection, to accommodate the parties’ schedules and the need for the parents to receive counsel and address various motions. The failure to object to a delay waives any challenge to the court’s competency on these grounds. *See* WIS. STAT. § 48.315(3). Any challenge to the circuit court proceedings based upon a failure to comply with the statutory time limits would be without arguable merit on appeal.

The no-merit report next discusses whether there is any merit to challenging the jury’s determination that grounds existed to terminate Timothy’s parental rights to the children.

“Appellate courts in Wisconsin will sustain a jury verdict if there is any credible evidence to support it. Moreover, if there is any credible evidence, under any reasonable view, that leads to an inference supporting the jury’s finding, [appellate courts] will not overturn that finding.” *State v. Quinsanna D.*, 2002 WI App 318, ¶30, 259 Wis. 2d 429, 655 N.W.2d 752 (citation omitted).

To prove that a child is in continuing need of protection or services, the County must show that the child has been placed out of the home for a cumulative total of more than six months pursuant to court orders containing the termination of parental rights notice; the applicable county department has made a reasonable effort to provide services ordered by the court; and 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). Here, our review of the records confirms that the social worker’s testimony along with the exhibits offered into evidence established the factual grounds for the finding that grounds existed to terminate Timothy’s parental rights.

Failure to assume parental responsibility is established “by proving that the parent ... of the child [has] not had a substantial parental relationship with the child.” WIS. STAT. § 48.415(6)(a). A “‘substantial parental relationship’ means the acceptance and exercise of significant responsibility for the daily supervision, education, protection and care of the child.” Sec. 48.415(6)(b). A factfinder is allowed to consider several factors and apply a totality-of-the-circumstances test. *See Tammy W-G. v. Jacob T.*, 2011 WI 30, ¶3, 333 Wis. 2d 273, 797 N.W.2d 854. These factors include, but are not limited to, whether the parent has expressed

concern for, or interest in, the support, care, or well-being of the child, and whether the parent has neglected or refused to provide care or support for the child. *See id.*; *see also* § 48.415(6)(b).

Our review of the records confirms there was sufficient evidence from which the jury could conclude that, based on the totality of the circumstances, Timothy failed to assume parental responsibility for his children. The evidence adduced at trial established that during the time Timothy lived with the children, he yielded responsibility for the daily supervision, education, protection and care of the children to Clara. The evidence at trial also established that, despite the County's efforts, Timothy is unable or unwilling to protect the children.

The no-merit report discusses whether the circuit court erroneously exercised its discretion when it terminated Timothy's parental rights. "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 circuit court must consider the factors set forth in WIS. STAT. § 48.426, giving paramount consideration to the best interests of the child. *See Gerald O.*, 203 Wis. 2d at 153-54. Here, the records reflect that the circuit court expressly considered the relevant factors in light of the evidence as to the children, made a number of factual findings based on the evidence presented, and reached a reasonable decision. We therefore agree with appellate counsel's conclusion that there is no arguable merit to a claim that the circuit court erroneously exercised its discretion in deciding to terminate Timothy's parental rights to Steven, Samuel, and Simon.

Finally, the no-merit report discusses whether there is a basis for a claim of ineffective assistance of trial counsel, *see A.S. v. State*, 168 Wis. 2d 995, 1004, 485 N.W.2d 52 (1992) (concluding a parent facing the involuntary termination of his or her parental rights is entitled to

effective assistance of counsel), or whether the circuit court erroneously exercised its discretion in various trial evidentiary determinations, *see Quinsanna*, 259 Wis. 2d 429, ¶19. We agree with counsel that the records do not reveal a basis for an ineffective assistance of trial counsel claim or a claim that the court erroneously exercised its discretion.

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

Upon the foregoing,

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 of further representation of Timothy in these matters. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals