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DISTRICT II

April 29, 2026

To:

Hon. Jack A. Pitzo
Circuit Court Judge
Electronic Notice

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Juvenile Clerk
Waukesha County Courthouse
Electronic Notice

Jonathan James Martin
Electronic Notice

Robert J. Mueller
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Steven Zaleski
Electronic Notice

C.P.

Kimberly A. Theobald
Electronic Notice

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

2026AP391-NM	Waukesha County v. C.P. (L.C. #2024TP17)
2026AP392-NM	Waukesha County v. C.P. (L.C. #2024TP18)
2026AP393-NM	Waukesha County v. C.P. (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).

Clara appeals from orders terminating her parental rights to her children Steven, Samuel, and Simon.² Appellate counsel, Steven Zaleski, has filed a no-merit report. *See* WIS. STAT.

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.

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

RULES 809.107(5m), 809.32; *see also Anders v. California*, 386 U.S. 738 (1967). Clara was advised of her right to file a response, but she 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 Clara’s parental rights are summarily affirmed.

In late 2018, Clara became involved in what was ultimately contentious divorce proceedings with the children’s father. Both parents made abuse allegations against the other. 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 the children’s father’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.

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 Clara's parental rights to Steven, Samuel, and Simon. As relevant, the County alleged the children were in continuing need of protection or services.

After multiple missed court appearances, Clara was found in default after failing to appear at court. The cases proceeded to a prove-up hearing where the County presented evidence in support of the grounds for termination. The circuit court found the County had satisfactorily demonstrated a basis for grounds as to each child.

The court then held a dispositional hearing. The County provided evidence to support its argument for termination of Clara'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 Clara'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 Clara 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 also discusses whether the court erred by denying various pre-trial motions Clara filed. Specifically, Clara moved to dismiss the termination-of-parental-rights petitions on the basis that Waukesha County, who petitioned to terminate Clara’s parental rights, had not filed the original CHIPS petitions against her. Clara also moved to disqualify the GAL. The circuit court denied the dismissal motion on the basis that regardless of who filed the underlying CHIPS petitions, WIS. STAT. § 48.25(1) permitted the County to petition for termination of parental rights. The court also denied the motion related to the GAL. We agree with counsel’s analysis that the circuit court properly denied these motions and there is no basis to challenge the court’s determination on appeal.

The no-merit report next discusses whether there is any merit to challenge the court’s determination that Clara had waived her right to counsel and entered a default judgment against her. Although a parent in a termination-of-parental-rights proceeding generally is entitled to be represented by counsel, WIS. STAT. § 48.23(2)(b)3. provides that a parent

is presumed to have waived his or her right to counsel and to appear by counsel if the court has ordered the parent to appear in person at any or all subsequent hearings in the proceeding, the parent fails to appear in person as ordered, and the court finds that the parent’s conduct in failing to appear in person was egregious and without clear and justifiable excuse.

Id. Further, § 48.23(2)(b)3. provides that “[f]ailure by a parent ... to appear in person at consecutive hearings as ordered is presumed to be conduct that is egregious and without clear and justifiable excuse.” *Id.*

Here, at the initial appearance, the circuit court explicitly ordered Clara, who appeared in person, “to appear in person at all future hearings” and warned she was “at risk of being in default if you do not come to court.” Clara, however, eventually missed four consecutive court

appearances. Following Clara's fourth missed court appearance, the court found "[t]here is no justifiable excuse for [Clara's] absence." The court determined Clara had waived her right to counsel, and the court entered a default judgment against Clara.

A circuit court has both inherent and statutory authority to enter a default judgment as a sanction for failure to obey its orders. *See Evelyn C.R. v. Tykila S.*, 2001 WI 110, ¶17, 246 Wis. 2d 1, 629 N.W.2d 768. Here, Clara was ordered to attend each hearing or risk a default judgment being entered against her. The records reflect the circuit court gave Clara multiple opportunities to appear before the court entered its default judgment, and it also explained its reasons for entering default judgment. We agree there is no arguable merit to challenge the circuit court's discretionary decision to find Clara in default. *See id.*, ¶18.

Notwithstanding a finding of default, the County still had the burden to show that grounds for termination exist by clear and convincing evidence. *See id.*, ¶22, 25. Thus, the circuit court held a prove-up hearing before proceeding to disposition.

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 case manager's testimony along with the documents offered into evidence established the factual grounds for the finding that grounds

existed to terminate Clara's parental rights. The case worker testified that she had attempted to offer Clara assistance in obtaining services to meet the various conditions for return but "[Clara] has never attempted to meet any of her conditions of return." As one example, the case worker testified that Clara had not been able to meet the condition that she show she was meeting the children's needs because Clara "had no involvement with her children in nearly three years[.]" The case worker also testified that Clara had not met the condition that she "[e]nhance [her] relationship with [her] children through regular healthy family interactions when allowed to do so" because Clara has not "seen [the children] in nearly three years." We conclude there is no arguable merit to claim there is insufficient evidence to support the grounds alleged for termination.

The no-merit report discusses whether the circuit court erroneously exercised its discretion when it terminated Clara'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 each child, made a number of factual findings based on the evidence presented, and reached a reasonable decision. Significantly, the court discussed the extreme abuse the children endured from Clara,³ noting that it was "truly sickened" by the abuse and it was fortunate that the children were "here to talk about it." The court also found the

³ The records reflect that 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.

children loved their foster parents and wanted to be adopted by them. We 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 Clara'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). We agree with counsel that the records do not reveal a basis for an ineffective assistance of trial counsel claim.

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 Steven Zaleski is relieved of further representation of Clara 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