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DISTRICT IV

May 29, 2026

To:

Hon. William M. Bratcher
Circuit Court Judge
Electronic Notice

Leonard D. Kachinsky
Electronic Notice

Jean Sahr
Clerk of Circuit Court
Jackson County Courthouse
Electronic Notice

Jeri A. Marsolek
Electronic Notice

Aaron James Lueck
Electronic Notice

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

2026AP585

In re the termination of parental rights to A.T.L.J., a person under the age of 18: Jackson County DHHS v. A.T.L. (2024TP1)

Before Nashold, 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).

A.T.L. appeals an order terminating his parental rights to his son, A.T.L.J. A.T.L. does not claim that any error occurred in the circuit court proceedings that ended with the termination of his parental rights. He argues instead that the approximately year-long delay in the commencement of his appeal should result in the dismissal, without prejudice, of the underlying termination of parental rights (“TPR”) case. It is true that A.T.L.’s appeal was delayed for approximately a year. But now that the appeal is proceeding, A.T.L. offers no argument that the

¹ 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.

circuit court erred in terminating his parental rights, nor any argument that the delay in his appeal prejudiced him in any way. Accordingly, I affirm.

The County filed a TPR petition against A.T.L. and J.L. (A.T.L.J.'s mother) in January 2024, alleging continuing need of protection or services, WIS. STAT. § 48.415(2); failure to assume parental responsibility, § 48.415(6); and, with respect to A.T.L., that his parental rights to a different child had been involuntarily terminated within the three preceding years, § 48.415(10). In May 2024, the County moved for summary judgment as to A.T.L. on the prior termination ground. The circuit court, having received certified documents supporting the County's allegations, and without substantive objection from A.T.L.'s counsel, granted summary judgment. Grounds for termination of J.L.'s rights were found by a jury. At the disposition hearing, the court considered the six mandatory factors, WIS. STAT. § 48.426(3), and determined that termination of both A.T.L.'s and J.L.'s rights was in A.T.L.J.'s best interests. Again, A.T.L. does not suggest that there were any deficiencies in these proceedings.

After the circuit court entered an order terminating his parental rights, both A.T.L. and J.L. timely filed notices of intent to pursue postdisposition relief. This should have resulted in the clerk of the circuit court transmitting the notices and related documents to the appellate office of the public defender within five days pursuant to WIS. STAT. RULE 809.107(3).

A.T.L. represents that after nearly a year had passed without him receiving any information about his appeal, he inquired with the public defender's office, which appointed counsel. A.T.L. further represents that, in response to an open records request, a representative of the circuit court clerk's office informed A.T.L. that records showed that the clerk had transmitted the documents initiating the appellate process with respect to J.L.'s notice of intent,

resulting in the timely appointment of counsel for J.L., but for unknown reasons had not done so with respect to A.T.L.'s notice. By the time counsel was appointed for A.T.L. approximately a year later, A.T.L.J. had been adopted.²

After counsel was appointed for A.T.L., counsel filed a notice of appeal. The County moved this court to dismiss the appeal due to the passage of time and the adoption of A.T.L.J., but this court determined that the irregularities that had occurred did not affect its jurisdiction, and that dismissal was not merited. This court therefore ordered that the appeal would continue.

In the same order, this court addressed A.T.L.'s request to remand to the circuit court for factfinding. Among the reasons A.T.L. gave for the requested remand was to determine “[w]hether the delay[] in [his] appellate rights was outrageous government conduct and what the remedy should be.” (First alteration in original.) This court denied the motion for remand, saying that “even if the delay in the appeal is deemed ‘outrageous,’ the remedy ... is to proceed with the appeal, not to relitigate a TPR case in the circuit court, which would cause further delay.”

In briefing, A.T.L. now argues that the clerk of the circuit court engaged in “outrageous conduct” in failing to forward the notice of intent to pursue postdisposition relief and related documents to the public defender’s office for approximately a year. During the time that A.T.L.’s appeal was delayed, A.T.L.J. was adopted, which A.T.L. represents is not a step that is usually taken before termination of parental rights is final. (J.L. had notified the circuit court

² For purposes of this decision, I accept A.T.L.’s representations on these matters even though they are not part of the record on appeal. As I later discuss, A.T.L. sought remand in part to prove these assertions, and this court denied remand because it concluded that, even if true, they would not support the relief that A.T.L. seeks.

that she was abandoning her appeal.) A.T.L. further argues that the remedy for the delay in his appeal ought to be the dismissal, without prejudice, of the TPR case against him.

I reject A.T.L.’s argument. To begin, A.T.L. does not point to any evidence or make any convincing argument that the clerk of court’s error was “outrageous conduct.” It is certainly a significant error with the serious result of a lengthy delay in the commencement of A.T.L.’s appeal. But A.T.L. admits that the clerk’s omission was most likely an inadvertent mistake, saying it “appeared to have been an oversight,” particularly given that the clerk did forward the appropriate documents regarding J.L. in the same case. As in his motion for remand, A.T.L. in briefing asserts no reason to conclude that the clerk’s omission was intentional, malicious, or otherwise “outrageous conduct.”

Further, A.T.L. cites no authority supporting his position that the clerk of court’s delay in forwarding the required documents to the public defender’s office—even if “outrageous”—should result in the undoing of the termination of his parental rights. The clerk’s omission occurred after the TPR proceedings in the circuit court had been completed, and by his silence about those proceedings, A.T.L. concedes that they involved no error. A.T.L. relies on *Sheboygan County Department of Social Services v. Matthew S.*, 2005 WI 84, 282 Wis. 2d 150, 698 N.W.2d 631, but that case concerned a circuit court’s failure to abide by the statutory timelines applicable to TPR disposition hearings. The *Matthew S.* court held that the circuit court lost competency to proceed when it failed to timely hold the disposition hearing, rendering its termination decision a nullity. *Id.*, ¶37. *Matthew S.* provides no support for the claim that a post-termination delay of appellate proceedings should result in the vacation of a termination order entered as a result of proper circuit court proceedings. For the same reason, A.T.L.’s reliance on *State v. Lee*, 2021 WI App 12, 396 Wis. 2d 136, 955 N.W.2d 424, is misplaced: that

case involved a lengthy delay in holding a preliminary hearing in a criminal case, resulting in a loss of personal jurisdiction over the defendant and a dismissal without prejudice. *Id.*, ¶¶59-62. There is nothing in *Lee* to suggest that governmental errors that delay an appeal should result in dismissal of the error-free TPR proceedings that are the subject of the appeal.

The right to appeal is “absolute” in this state. *State v. Perry*, 136 Wis. 2d 92, 98, 401 N.W.2d 748 (1987); WIS. CONST. art. I, § 21(1). But the purpose of an appeal is to correct errors that may have occurred in the circuit court. In this appeal, A.T.L. makes no suggestion that the circuit court proceedings resulting in the order terminating his parental rights were affected by any error. I must therefore affirm that order.

IT IS ORDERED that the order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals