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**DISTRICT III**

June 16, 2026

To:

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

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2026AP979-NM

State of Wisconsin v. K. N. H. (L. C. No. 2025TP1)

Before Stark, P.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).**

Kate<sup>2</sup> appeals from an order terminating her parental rights to Laura. Attorney Leonard Kachinsky has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT.

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<sup>1</sup> 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.

<sup>2</sup> Pursuant to the policy underlying WIS. STAT. RULE 809.81(8), we use pseudonyms for the mother and child in this confidential matter.

RULE 809.32; *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report sets forth the procedural history of the termination of parental rights (TPR) case and addresses compliance with statutory deadlines, an amendment of the petition, the sufficiency of the evidence to support the verdict at the grounds stage, and the circuit court's exercise of its discretion at the dispositional stage. Kate was advised of her right to respond to the no-merit report, but she has not filed a response. Having independently reviewed the entire record, as well as the no-merit report, we conclude that counsel shall be allowed to withdraw, and the TPR order will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

The petition alleged two grounds for termination of Kate's parental rights: abandonment, under WIS. STAT. § 48.415(1)(a)2., and failure to assume parental responsibility, under § 48.415(6). Kate requested and was granted an extension of the trial date to allow her to conduct discovery. The extension of the trial date was supported by a stipulation as to good cause. During trial, the State requested and was granted an amendment of the petition, to allege the date of one of the alleged periods of abandonment started six days later than previously alleged to better conform to the evidence. The amendment was not prejudicial because the amended time frame fit within the originally alleged time frame, so Kate was already on notice about it.

As relevant in this appeal, in order to establish the TPR ground of abandonment, the State needed to show that: (1) Laura had been placed outside the home pursuant to a court order that contained mandatory TPR notices; and (2) Kate failed to visit or communicate with Laura for a period of three months or longer. *See* WIS. STAT. § 48.415(1)(a)2.; WIS JI—CHILDREN 313 (2024). Kate would have the opportunity to show that she had good cause for her failure to visit

or communicate with Laura or that she had instead communicated with Laura's custodian. *See* § 48.415(1)(c)1.-3.

In order to establish the TPR ground of failure to assume parental responsibility, the State needed to show that Kate had not developed a substantial relationship with Laura—meaning that she had not accepted and exercised significant responsibility for Laura's daily supervision, education, protection, and care throughout Laura's life. *See* WIS. STAT. § 48.415(6); WIS JI—CHILDREN 346 (2018). The evaluation of whether a parent has exercised significant responsibility for a child's care can also take into consideration whether the parent has exposed the child to a hazardous living environment. *Tammy W-G. v. Jacob T.*, 2011 WI 30, ¶22, 333 Wis. 2d 273, 797 N.W.2d 854.

At trial, the State introduced testimony that Outagamie County Child Protective Services first put a protective plan in place for Laura following 2 reports made in February 2021, when Laura was 18 months old. One report alleged that Laura had suffered burns to her hands while in the care of Kate's boyfriend, and the other report raised concerns about Kate's alcohol consumption. Another assessment was conducted, and various services were offered following a report in July 2021 about domestic violence in the home. Throughout the series of assessments, the assigned social worker had several additional concerns about Laura's compromised care—including that Kate had failed to schedule a recommended surgery for Laura, that Kate had driven intoxicated with Laura in the car on more than one occasion, and that Kate had tested positive for methamphetamine use. Laura was eventually placed outside of the home by court order in February 2022, after Kate failed to cooperate with another protective placement order arising from an incident in December 2021, in which it was reported that Kate had again attempted to drive with Laura in the vehicle while highly intoxicated.

Kate stipulated that the February 2022 court order provided her with the required TPR notices. In 2022, Kate attended only 11 of 46 scheduled visits with Laura. Kate did not attend any scheduled visits with Laura in January, February, or March of 2023; between February 17 and September 5, 2024; or in July, August, or September of 2025. Kate also did not attend any of Laura's medical appointments or school meetings after Laura's removal from her care. In addition, Kate was nearly \$14,000 in arrears on child support. This evidence was sufficient to satisfy the State's burden of proof for both abandonment and failure to assume parental responsibility. Although Kate testified about some reasons for her failure to assume parental responsibility and visit or communicate with Laura, the jury was not required to accept her testimony or to find that it established good cause for the abandonment. In any event, either one of the grounds was independently sufficient to support the termination of Kate's parental rights.

At the dispositional hearing, the circuit court was required to consider such factors as the likelihood of the child's adoption, the age and health of the child, the nature of the child's relationship with the parents or other family members, the wishes of the child, and the duration of the child's separation from the parent, with the prevailing factor being the best interests of the child. WIS. STAT. § 48.426(2), (3). The record shows that the court did so.

The circuit court began by noting that Kate was not a bad or "evil" person. However, it viewed her sporadic contacts with Laura to actually be harmful to the child, who had to suffer the continual uncertainty of wondering whether Kate would show up for scheduled visits. The court emphasized that Laura had been living with her foster family for four of the six years of her life and that she had developed a substantial relationship with that family. The court concluded that Laura would have more stability in her life if Kate's parental rights were terminated. In sum, the

record shows that the court reasonably applied the proper legal standard to the facts of record when reaching its disposition.

Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Accordingly,

IT IS ORDERED that the order terminating parental rights is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Leonard Kachinsky is relieved of any further representation of K.N.H. in this matter pursuant to 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*