

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 27, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

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A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal Nos. 2026AP1211
2026AP1212
2026AP1213**

STATE OF WISCONSIN

**Cir. Ct. Nos. 2024TP105
2024TP106
2024TP107**

**IN COURT OF APPEALS
DISTRICT I**

APPEAL NO. 2026AP1211

**IN RE THE TERMINATION OF PARENTAL RIGHTS TO M.U.M., A
PERSON UNDER THE AGE OF 18:**

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

V.

Y.M.,

RESPONDENT-APPELLANT.

APPEAL NO. 2026AP1212

**IN RE THE TERMINATION OF PARENTAL RIGHTS TO Z.B.D., A
PERSON UNDER THE AGE OF 18:**

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

V.

Y. M.,

RESPONDENT-APPELLANT.

APPEAL NO. 2026AP1213

**IN RE THE TERMINATION OF PARENTAL RIGHTS TO Y.Z.M., A
PERSON UNDER THE AGE OF 18:**

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

V.

Y.M.,

RESPONDENT-APPELLANT.

APPEALS from orders of the circuit court for Milwaukee County:
JANE VINOPAL CARROLL, Judge. *Affirmed.*

¶1 PETRASHEK, J.¹ Yolanda appeals from the orders terminating her parental rights to her three children, Miriam, Zeke, and Yara.² She argues that the circuit court erroneously exercised its discretion during the dispositional phase when it found that termination of Yolanda’s parental rights was in the children’s best interests in the absence of “complete and meaningful testimony” from the children’s foster placements and potential adoptive parents. Specifically, Yolanda argues the court’s findings were defective because the foster parent for Miriam was allowed to testify anonymously and because the foster parents for Zeke and Yara did not testify at disposition. For the following reasons, we affirm.

BACKGROUND

¶2 On November 29, 2022, the Division of Milwaukee Child Welfare (DMCW) received a referral stating that Yolanda was drinking excessively and was not able to provide safe care for her three minor children. The referral alleged that Yolanda was frequently intoxicated and would engage in out-of-control behaviors and that the children were at times locked out of the residence or found outside without any supervision.

¶3 On November 30, 2022, after trying repeatedly to connect with Yolanda, a DMCW worker went to the residence, accompanied by law enforcement. Due to Yolanda’s intoxicated condition, DMCW was unable to put

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.

² We refer to the family in this matter by pseudonyms to maintain confidentiality and privacy, in accordance with WIS. STAT. RULE 809.19(1)(g).

a protective plan in place at that time and ultimately chose to take temporary physical custody of the children.

¶4 The children were subsequently found to be children in need of protection or services (CHIPS) by the circuit court in October 2023, and a dispositional order was entered providing the conditions with which Yolanda needed to comply for the children to be returned to her care. The court further ordered the children's placements be undisclosed because while the CHIPS action was pending, Yolanda had taken Miriam and Zeke from their foster placement, in violation of court order.

¶5 After failing to fulfill the conditions of return, the State filed petitions to terminate Yolanda's parental rights in May 2024.³ As grounds, the petitions alleged that Yolanda had abandoned the children, had failed to assume parental responsibility for the children, and that the children were in continuing need of protection or services (continuing CHIPS).

¶6 As the cases progressed, Miriam's father, Thomas, filed a motion asking that Miriam's placement be disclosed. The court held an evidentiary hearing on the motion; Yolanda and her counsel were present at the hearing and ultimately joined the motion asking that Miriam's placement be disclosed.

¶7 The court heard testimony from the children's ongoing case manager (OCM), who stated that the children's placements had been ordered undisclosed because Yolanda had, while the CHIPS case was pending, taken Miriam and Zeke

³ The TPR petitions also sought to terminate the parental rights of each of the children's fathers, but only Yolanda's parental rights are the subject of this appeal.

from their foster placement in violation of the court's custody order, which led to the involvement of law enforcement and the children being labeled as critically missing. As a result, Yolanda was later charged with interfering with custody, in violation of WIS. STAT. § 948.31(1)(b), and a no-contact order was put in place between Yolanda and the three children. Despite the no-contact order, Yolanda continued to attempt contact with the children and their placements. The OCM also testified that she had received information from a relative of Yolanda that Yolanda had a gun and planned to use it to coerce the children and/or harm their caregivers.

¶8 Ultimately, the circuit court found that disclosure of the placement would pose an imminent danger to Miriam and/or her caregiver, and ordered that the placement remain undisclosed during the termination of parental rights proceedings.

¶9 Following trial, a jury found that all three grounds for termination of Yolanda's parental rights had been established.⁴ Prior to the dispositional phase proceedings, a status hearing took place, wherein Yolanda was not in attendance. During that hearing, it was discovered that Miriam's father, Thomas, was aware of identifying information for Miriam's placement, and that all attorneys in attendance inadvertently also became aware of identifying information of the undisclosed placement. As a result, the State motioned to sever the dispositional hearings of Yolanda and Thomas and requested that the court prohibit Yolanda's

⁴ The jury also found that the State had established grounds for termination of the fathers' parental rights to the children.

counsel from disclosing any identifying information about Miriam’s placement to Yolanda.

¶10 Over Yolanda’s counsel’s objection, the circuit court entered an order prohibiting Yolanda’s counsel from revealing any identifying information to Yolanda, but it noted that “how that will play out at disposition in terms of asking relevant questions is to be seen.”

¶11 At the initial dispositional hearing in November 2025, the circuit court heard further argument from the State about severing the parents’ dispositional hearings, particularly as it related to the undisclosed nature of the placements. While Miriam’s foster parent was not initially subpoenaed to testify due to the concerns about revealing identifying information, Thomas specifically requested that the foster parent testify in order to provide information with respect to Miriam’s health and education. The State ultimately agreed to make arrangements for Miriam’s foster parent to testify and the court declined to sever the dispositional hearings.

¶12 Yolanda’s counsel renewed his objection to being prohibited from sharing any identifying information about Miriam’s placement with Yolanda, as he believed that it would make the dispositional hearing one-sided and there was a need to have the foster parent on the stand for cross-examination.⁵ The circuit court confirmed with Yolanda’s counsel that he would have the opportunity to cross-examine Miriam’s foster parent.

⁵ Yolanda appeared by counsel for the dispositional hearings, but did not personally attend. Yolanda at one point attempted to appear virtually, but the circuit court denied her motion to so appear after observing that the matters were scheduled for an in-person hearing.

¶13 During the evidentiary portion of the dispositional proceedings, the court again heard testimony from the OCM about each of the children as it related to the statutory factors set out in WIS. STAT. § 48.426(3). The OCM testified that Miriam, in her interactions with the OCM and other individuals in her placement, seemed calm, collected, comfortable, and “pretty shy.” The OCM affirmed that Miriam’s foster parent had been approved for adoption and was ready, willing, and able to adopt Miriam. She noted that, when Miriam had first been removed from Yolanda’s home, she had seemed “heavily parentified,” and had fallen behind in her education due to missing a lot of school. In contrast, the OCM stated that, as of the time of disposition, Miriam had educational support, was motivated to learn, and had been building confidence through therapy work. The OCM further explained that while Miriam wanted to live with Yolanda and loved her mother very much, she would be happy remaining with her current placement if living with Yolanda was not possible.

¶14 The OCM also testified that Zeke had been in his current placement for approximately eleven months; that he appeared to feel “really loved,” was “very polite,” “silly,” “goofy,” and “really happy to be there.” She stated that Zeke’s placement had been approved for adoption and was ready, willing, and able to adopt Zeke. The OCM noted that, at the time of removal, Zeke had struggled with a “severe speech delay,” but that it had been getting better through supportive services. The OCM also stated that Zeke’s behavior issues, including “severe meltdowns,” had improved significantly during the placement. The OCM stated that Zeke had repeatedly been adamant about wanting to stay in his current placement and being adopted.

¶15 As to Yara, the OCM testified that Yara had been in her current placement for over a year and a half; that she had all of her needs met by her caregiver; that the caregiver promoted Yara's independence; and that Yara appeared comfortable in the home. The OCM stated that, in her discussions with Yara, Yara had indicated that she wanted to stay in her current placement with her caregiver. The OCM stated that there wasn't anything about any of the children's ages, health, or behaviors that would lead her to believe they would be unlikely to be adopted.

¶16 The circuit court also heard testimony from Miriam's current foster parent, who testified via Zoom with her camera off and with a pseudonym. Miriam's foster parent testified that she was willing to adopt Miriam and described the relationship that she and others in her household had with Miriam. Prior to asking any questions on cross-examination, Yolanda's counsel stated that he *had* planned to ask questions such as where the foster parent lived, the placement's address, how close the placement was to the other siblings' placements, and where the foster parent worked, but felt it would not be possible without revealing identifying information about the placement. The court told counsel that if he wanted to ask those questions, there would be a way to protect the record, such as by sealing that portion of the transcript. The court stated that "unless those identifying characteristics are important for the [dispositional] factors, my preference is that you don't ask those questions."

¶17 The State objected to any specific identifying information being asked about the placement, but it indicated that it had no issues with general questions regarding the placement's employment and housing stability. The circuit court agreed that questions could be asked about the placement's stability

as it related to housing and employment, but pointed out that this could be done “without getting into actual addresses and names of employers or identifying information.” Yolanda’s counsel then declined to ask Miriam’s placement any questions whatsoever.

¶18 Following further testimony from the OCM, the circuit court made its findings in light of the best interests of the child standard and the factors found in WIS. STAT. § 48.426(3). As to the first factor, the court noted the willingness of each placement to adopt, the children’s wellbeing with their placements, and the length of time they had spent in those placements. Based on those factors, the court concluded there was a high likelihood of adoption. As to the second factor, the court noted the improvement of the children’s health and wellbeing from the time of removal to the time of disposition. As to the third factor, the court found that Zeke and Yara did not have substantial relationships with their parents or other family members and would not suffer any harm from severing those relationships. As to Miriam, the court found that she did have a substantial relationship with Yolanda, and that she would suffer harm if the relationship was severed; however, the court also concluded that it was unlikely Yolanda would ever be able to parent Miriam appropriately.

¶19 The circuit court concluded the remaining factors also supported termination. As to the fourth factor, the court made note of each of the children’s wishes; it described that Yara was likely too young to understand “what’s at stake here,” that Zeke wished to be adopted, and that Miriam wished to be reunited with Yolanda. As to the fifth factor, the court found that the children had been separated from their parents for a lengthy period of time. As to the sixth factor, the court considered the placements’ willingness to adopt, along with the

testimony from the OCM regarding Yolanda’s behaviors throughout the case that continued to put the children at risk. The court ultimately concluded that it was in the children’s best interests that the parental rights of all of the parents be terminated.

DISCUSSION

¶20 Yolanda argues that the circuit court erroneously exercised its discretion when it found that termination of her parental rights was in the children’s best interests without hearing “complete and meaningful” testimony from the children’s placements. In essence, Yolanda argues that without such testimony, a circuit court cannot make a legally supportable determination of the best interests of the child, and any attempt to assess the factors under WIS. STAT. § 48.426(3) will be deficient.

¶21 “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). “To terminate parental rights, the [circuit] court must make a determination that the termination of parental rights is in the child’s best interests.” *Id.* “The determination of a child’s best interests in a termination proceeding depends on firsthand observation and experience with the persons involved and, therefore, is left to the discretion of the [circuit] court.” *Id.* “The [circuit] court properly exercises its discretion when it examines the relevant facts, applies a proper standard of law and, using a demonstrated rational process, reaches a conclusion that a reasonable judge could reach.” *Id.* “The [circuit] court’s findings of fact will not be set aside unless clearly erroneous.” *Id.* at 152-53.

¶22 WISCONSIN STAT. § 48.426 requires that the court consider the best interests of the child standard in making a decision about appropriate disposition, with consideration of, at minimum, six specific enumerated factors:

- (a) The likelihood of the child’s adoption after termination.
- (b) The age and health of the child, both at the time of the disposition and, if applicable, at the time the child was removed from the home.
- (c) Whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever these relationships.
- (d) The wishes of the child.
- (e) The duration of the separation of the parent from the child.
- (f) Whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child’s current placement, the likelihood of future placements and the results of prior placements.

WIS. STAT. § 48.426(3). Importantly, the statute places no burden of proof on any particular party. *State v. H.C.*, 2025 WI 20, ¶26, 416 Wis. 2d 233, 21 N.W.3d 330.

¶23 Yolanda specifically challenges the circuit court’s ability to properly exercise its discretion as it relates to two specific WIS. STAT. § 48.426(3) factors: (a) “[t]he likelihood of the child’s adoption after termination”; and (f) “[w]hether the child will be able to enter into a more stable and permanent family relationship as a result of the termination[.]”

¶24 Yolanda argues that the circuit court here was not able to properly exercise its discretion and determine whether termination of her parental rights was in the best interests of her children under WIS. STAT. § 48.426(3)(a) and (f),

because the record lacked testimony or other evidence directly from the placements of all three children addressing those factors.

¶25 Yolanda points out that throughout the proceedings in the disposition phase, her counsel objected to the undisclosed nature of the placements, the circuit court’s order prohibiting her counsel from discussing identifying information of the placements with her, and the lack of evidence regarding the placements presented at disposition. Counsel argued that these matters were fundamentally unfair to Yolanda, that he was unable to properly prepare for disposition, and that the court was unable to properly exercise its discretion as to the children’s best interests without this evidence.

¶26 Yolanda’s argument also invokes the standard of review for discretionary acts of the circuit court. She argues the circuit court could not examine the relevant facts or demonstrate a rational process of reasoning absent testimony from the children’s placements. See **Gerald O.**, 203 Wis. 2d at 152. Yolanda argues that the facts in the record were “sparse” because the foster placements either did not testify at all or the testimony was limited due to the restrictions regarding identifying information. She points out that her defense counsel was unable to inquire into the work circumstances of the placements, the conditions of the homes, the relationships within the households, or the cultural or racial attitudes of the placements. In short, Yolanda argues the testimony of one or more of each of the children’s foster parents was necessary to substantiate the testimony of the OCM regarding the relevant WIS. STAT. § 48.426(3) factors.

¶27 We are unpersuaded by Yolanda’s argument. Here, there was sufficient testimonial evidence from the OCM, as well as Miriam’s placement, to allow the circuit court to properly exercise its discretion in determining whether

Yolanda’s parental rights should be terminated. We therefore conclude that the circuit court properly exercised its discretion when it determined that termination of Yolanda’s parental rights was in her children’s best interests.

¶28 In its findings at disposition, the circuit court made specific reference to the best interests standard and ultimately found in favor of termination. The court did so after specifically referencing each individual WIS. STAT. § 48.426(3) factor and the evidence it had considered when evaluating each factor.

¶29 This court is not aware of any authority specifically requiring the circuit court to hear evidence from any specific witness, including foster placements or potential adoptive placements, at disposition, and Yolanda fails to cite to any such authority in her briefing. While Yolanda asserts that her trial counsel could not adequately prepare for disposition without identifying information of the children’s placements, she provides no explanation of why the OCM’s testimony did not provide a fair opportunity for her counsel to inquire—even at a general level—into the work circumstances of the placements, the condition of the placements’ homes, the household relationships and any cultural or racial attitudes of the placement families.⁶

⁶ When Yolanda’s counsel cross-examined the OCM at the initial dispositional hearing, he asked about the children’s visitation schedule and a few ancillary matters before using the OCM to highlight the perceived evidentiary gap as a result of the limited foster placement testimony. Counsel did so by having the OCM agree that when selecting a placement, it was important “to lay eyes on the placement” because there “is no substitute, really, for evaluating a placement quite like laying your eyes on them, talking to them and really finding out what they’re all about[.]” At no point did counsel attempt to elicit even general answers about the factors identified in WIS. STAT. § 48.426(3)(a) and (f).

¶30 Further, counsel had the opportunity to ask Miriam’s foster parent generalized questions about Miriam’s placement, but he did not even attempt to do so. The circuit court instructed counsel to not ask *overly specific* questions that could disclose identifying information about the placement *unless* such questions would reveal information important to the relevant statutory factors. The court even noted that, if counsel felt he needed to ask such questions, and identifying information was revealed, there would be a way to protect the record by way of sealing portions of the transcript.⁷

¶31 Additionally, if Yolanda felt that the testimony of the foster placements was necessary to support her case at disposition, she could have made a request to the court to have the placements present to give testimony, just as Thomas did with Miriam. See WIS. STAT. § 48.427(1). The State would likely have been able to make arrangements for Zeke’s and Yara’s placements to testify anonymously, as it did for Miriam’s placement. Yolanda did not make any such request.

¶32 Yolanda cites no authority conditioning the appropriate exercise of discretion upon the consideration of evidence such as why the placements wanted to adopt, their relationships with the children, progress on the adoption process, other individuals present within the homes, employment, dietary habits, and housing conditions. Under WIS. STAT. § 48.426(3), the court is required only to

⁷ Although Yolanda does not directly challenge the circuit court’s orders regarding the undisclosed nature of the placements or permitting the anonymous testimony of Miriam’s foster parent, we note the court had good reason to protect the identities of the foster placements. The court had before it evidence that Yolanda had ignored a court order, abducted her children, and threatened violence against the children’s caregivers.

consider the specific six factors identified. While Yolanda argues that the evidence presented was sparse and so additional evidence should have been presented, we reject her assertion that the evidence was so lacking that the circuit court erroneously exercised its discretion in the absence of testimony from some of the foster placements.

CONCLUSION

¶33 While a foster parent has a “right to be heard at the dispositional hearing” in a termination of parental rights action, *see* WIS. STAT. § 48.427(1m), such testimony is not required for the circuit court to appropriately exercise its discretion when ascertaining the best interests of the child. Given Yolanda’s failures to provide any legal authority to the contrary, we reject her assertions. What is required is that the court considered the factors identified in WIS. STAT. § 48.426(3), which it did here. We therefore affirm the orders terminating Yolanda’s parental rights.

By the Court.—Orders affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

