

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 20, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

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. 2026AP1742
2026AP1743
STATE OF WISCONSIN**

**Cir. Ct. Nos. 2025TP44
2025TP45**

**IN COURT OF APPEALS
DISTRICT I**

APPEAL NO. 2026AP1742

**IN RE THE TERMINATION OF PARENTAL RIGHTS TO K.K.L.R., A
PERSON UNDER THE AGE OF 18:**

STATE OF WISCONSIN,

PETITIONER-RESPONDENT,

V.

M.R.,

RESPONDENT-APPELLANT.

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V.

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APPEALS from orders of the circuit court for Milwaukee County:
LAURA GRAMLING PEREZ, Judge. *Affirmed.*

¶1 DONALD, C.J.¹ Margo appeals from orders terminating her parental rights to her sons, Kevin and Kurt.² Margo contends that the circuit court erred when it entered a default judgment against her for failing to appear at the final pre-trial conference and for not maintaining contact with her attorney and her case manager, in violation of court orders. We disagree, and for the following reasons, we affirm.

BACKGROUND

¶2 On March 20, 2025, petitions for the termination of parental rights were filed as to Kevin and Kurt on the grounds of abandonment, WIS. STAT. § 48.415(1)(a); continuing CHIPS,³ § 48.415(2); and failure to assume parental responsibility, § 48.415(6). While in custody on unrelated criminal charges,

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).

³ CHIPS refers to a child in need of protection or services. See WIS. STAT. § 48.415(2).

Margo appeared at multiple hearings related to the petitions from April through early December of 2025.

¶3 As the date for Margo’s anticipated release from custody drew closer, the circuit court began reminding her of the importance of continuing to participate in the case. At the June 2025 hearing on the petitions, the court noted that Margo may be released from custody before trial and ordered her to appear in person for all future court dates and to stay in touch with her attorney and case manager. The court also explained that if she failed to do so, she may be found in default and therefore unable to have input into the court’s decision as to termination.

¶4 At an October 2025 status hearing, the circuit court again ordered Margo to attend all future court dates and maintain contact with her attorney and case manager, and warned that if she failed to do so, the court may find her in default, strike her contest posture, and decide the case. The court also reminded Margo of the January 27, 2026 final pre-trial conference,⁴ to contact her attorney or case manager with any questions about appearing, and emphasized the importance of appearing in court and maintaining contact after being released from custody.

¶5 Margo was released from custody on December 9, 2025. At a January 8, 2026 hearing related to discovery, her attorney stated that Margo had been admitted to a hospital in Madison and that she had asked the hospital to set

⁴ On the record, the court scheduled the final pre-trial conference for January 27, 2026 at 8:30 a.m. A few moments later, the court misstated the time of the final pre-trial conference as 1:30, but shortly thereafter again stated the correct time of 8:30. In any event, Margo does not claim that she attempted to appear at 1:30 instead of 8:30.

up Zoom for Margo so that she could appear remotely but the hospital failed to do so. Based on counsel's representation, the circuit court waived Margo's appearance but again ordered Margo to appear in-person for the final pre-trial conference and asked her attorney to relay the court's order to Margo.

¶6 Despite repeated circuit court orders to attend all court dates and maintain contact with her attorney and case manager, and Margo's awareness of the January 27, 2026 final pre-trial conference, Margo did not appear on January 27 and failed to maintain contact. At the conference, her attorney represented that Margo had been discharged from the hospital approximately two weeks prior and had also lost her housing and had no address or phone. Her attorney further stated that when she had last spoken to Margo—the day of or day after her discharge from the hospital—Margo provided her with contact information for relatives, but that she had not been able to reach Margo thereafter. Margo's case manager stated that she had not heard from Margo since her discharge from the hospital and did not have a working phone number for her.

¶7 The State moved to find Margo in default, and the circuit court granted the motion, finding that Margo's conduct was egregious and without good cause. The court noted that Margo was aware of the final pre-trial conference date and had been ordered to appear at all court dates and to stay in contact with her attorney and case manager, and that Margo had violated these orders. The court also found that Margo only appeared when in custody and emphasized Margo's failure to maintain contact since her discharge from the hospital, and her failure to communicate that she was unable to appear for the hearing or reach out in any way.

¶18 After finding Margo in default and striking her contest posture, the circuit court proceeded with the prove-up as to the grounds alleged in the petitions and allowed Margo’s attorney to cross-examine the witness and present evidence. The court found Margo unfit and scheduled the dispositional hearing for February 5, 2026. The court additionally found that Margo had waived her right to counsel and dismissed her attorney from further representation.

¶19 Margo also did not appear at the dispositional hearing, though she likely did not receive notice of it due to the fact that neither the court nor her attorney or case manager had a current address or working phone number for her. At the hearing, Margo’s case management supervisor stated that the case manager attempted to call Margo at the only phone number available but was unable to reach her. Margo’s former attorney stated that she too had been unable to provide notice to Margo. The court found that due and diligent effort had been made to notify Margo of the hearing and moved forward with disposition. The court concluded that termination of parental rights was in the children’s best interests and terminated Margo’s parental rights to Kevin and Kurt. Margo appeals.

STANDARD OF REVIEW

¶10 “A parent’s interest in the parent-child relationship and in the care, custody, and management of his or her child is recognized as a fundamental liberty interest protected by the Fourteenth Amendment.” *Steven V. v. Kelley H.*, 2004 WI 47, ¶22, 271 Wis. 2d 1, 678 N.W.2d 856. Nevertheless, “a circuit court has both inherent authority and statutory authority ... to sanction parties for failing to obey court orders” in termination of parental rights proceedings, including the authority to enter a default judgment. *Evelyn C.R. v. Tykila S.*, 2001 WI 110, ¶17, 246 Wis. 2d 1, 629 N.W.2d 768. Default judgment, however, may only be entered

if the circuit court finds that a party has acted egregiously or in bad faith. **Dane Cnty. DHS v. Mable K.**, 2013 WI 28, ¶69, 346 Wis. 2d 396, 828 N.W.2d 198.

¶11 A circuit court may make a finding of egregiousness where it “concludes that a party’s failure to follow court orders, though unintentional, is ‘[] extreme, substantial and persistent,’” *id.*, ¶70 (citation omitted), but conduct can be egregious without being persistent, see **Morrison v. Rankin**, 2007 WI App 186, ¶25, 305 Wis. 2d 240, 738 N.W.2d 588. Indeed, a single event can constitute egregious conduct. See *id.*

¶12 The decision to enter a default judgment is discretionary. **Evelyn C.R.**, 246 Wis. 2d 1, ¶18. “A 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.” **Mable K.**, 346 Wis. 2d 396, ¶39.

DISCUSSION

¶13 Margo concedes that the circuit court repeatedly ordered her to attend all court dates and to stay in touch with her attorney and case manager, and also warned her that failure to do so could result in a default judgment against her. Margo further admits that she was given notice of the final pre-trial conference but failed to appear, and also neglected to stay in contact with her attorney and case manager after being discharged from the hospital. Nevertheless, she contends that the circuit court erred by entering default judgment, arguing that a single missed court appearance cannot be egregious under Wisconsin law and that her failure to stay in contact also cannot be egregious conduct given her purported circumstances at the time. We disagree and affirm the circuit court’s orders terminating Margo’s parental rights.

¶14 First, Margo argues that the court’s default judgment was based “solely [on] a single missed appearance,” and that a single nonappearance cannot be found egregious under Wisconsin law. For support, she cites to *State v. C.D.*, No. 2023AP1025, unpublished slip op., ¶16 (WI App Aug. 29, 2023), in which this court stated that “[m]issing a single court appearance is simply not ‘extreme, substantial and persistent’ conduct.” But in *C.D.*, we explicitly limited our holding to the “particular facts” of that case, see *id.*, ¶18, which differ significantly from the facts of this case.

¶15 C.D.’s conduct was markedly different from Margo’s. While both C.D. and Margo missed a single court appearance, Margo only appeared while in custody whereas C.D. attended court hearings multiple times of her own volition. See *id.*, ¶¶3-4. Also unlike C.D., Margo was not in communication with her attorney unless she was in custody or in the hospital. See *id.*, ¶6. Moreover, after missing the pre-trial hearing, C.D. promptly attempted to remedy her default by attending both the initial and continued dispositional hearings, see *id.*, ¶¶7-8, whereas Margo took no action to address her default in the circuit court.

¶16 The two default judgments are also distinct in that they were underpinned by different findings. While the judgments against C.D. and Margo were both based on the failure to appear and comply with court orders to attend all court dates, see *id.*, ¶6, the default judgment in this case was also grounded in Margo’s failure to maintain communication with her attorney and case manager, and her violation of court orders to do so, as well as her failure to notify anyone about her inability to attend the final pre-trial hearing and the fact that Margo had never appeared in court of her own volition. Furthermore, the circuit court in *C.D.* did not explicitly find that C.D.’s conduct was egregious, see *id.*, ¶15, whereas the

circuit court here explicitly analyzed whether Margo's conduct was egregious and set forth in detail the factual basis for its determination.

¶17 Second, Margo argues that her failure to stay in contact with her attorney and case manager cannot sustain a finding of egregiousness because she did all she could have done under the circumstances. Margo's attorney told the circuit court that Margo had lost her housing and did not have a phone, but that she provided contact information for relatives as a way to stay in touch. Based on this representation, Margo argues that there is nothing more she could have done. But it is not clear that there wasn't anything else Margo could have done to stay in touch—for instance, use a relative's phone or attend the final pre-trial conference—and there is no evidence in the record to support Margo's assertion.

¶18 Contrary to Margo's contention, the circuit court properly exercised its discretion when it found her in default. The court set forth at least four reasons explaining why it found Margo's conduct to be egregious and supporting its decision to enter a default judgment: (1) Margo had been notified of the final pre-trial conference, and had been repeatedly ordered to appear at all court dates and warned that nonappearance could result in a default judgment, yet she failed to appear; (2) Margo had been repeatedly ordered to maintain contact with her attorney and case manager, yet she neglected to maintain such contact; (3) Margo did not reach out to anyone about her inability to attend the pre-trial conference; and (4) Margo had only appeared before the court while in custody and produced for the hearings. We conclude that each of these reasons is adequately supported by the facts of record, that the court applied the proper law, and that it reached a reasonable conclusion based on the application of the law to the facts.

By the Court.—Orders affirmed.

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

