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DISTRICT III

July 1, 2025

To:

Hon. Ann N. Knox-Bauer
Circuit Court Judge
Electronic Notice

Chris Slade
Register in Probate
Price County Courthouse
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Courtney L. Graff
Electronic Notice

Steven L. Miller
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Steven Zaleski
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Patrick C. Rowe
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You are hereby notified that the Court has entered the following opinion and order:

2024AP1140

Price County Department of Human Services v. L.C.B.
(L. C. No. 2023TP4)

Before Hruz, 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).

Lauren appeals a circuit court order terminating her parental rights to her son, Raymond.²
Based upon our review of the briefs and record, we conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We summarily affirm the court's order.

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, we refer to the appellant in this confidential matter using a pseudonym, rather than her initials, and we do the same for the child.

In her appellate briefs, Lauren solely argues that WIS. STAT. § 48.426 is facially unconstitutional because it does not require a petitioner to prove by clear and convincing evidence that termination of parental rights (TPR) is in the child’s best interest during the dispositional phase of the TPR process. According to Lauren, this standard violated her procedural due process rights pursuant to *Santosky v. Kramer*, 455 U.S. 745 (1982). Lauren therefore contends that she is entitled to a new dispositional hearing.

Lauren’s argument closely mirrors the argument of the respondent-appellant in *State v. H.C.*, No. 2023AP1950, unpublished slip op. (WI App Mar. 5, 2024).³ In April 2024, the respondent-appellant in *H.C.* filed a petition for review. On September 11, 2024, our supreme court entered an order granting the petition for review, stating that it would be deciding the issue of whether there is a burden of proof during the dispositional phase of the TPR process.

On September 13, 2024, this court entered an order holding Lauren’s appeal in abeyance, pending our supreme court’s decision. We further ordered that “within ten days of our supreme court’s decision ... the parties shall advise this court whether they wish to modify or otherwise supplement their existing briefs.” On June 3, 2025, our supreme court released its opinion in *H.C.*, in which it concluded “[o]nce the State has proven a parent unfit, the Constitution does not obligate the State to prove by clear and convincing evidence (or even a preponderance of the evidence) that termination is in the child’s best interests.” *State v. H.C.*, 2025 WI 20, ¶24, ___ Wis. 2d ___, ___ N.W.3d ___.

³ We cite this unpublished case not as precedent or authority, but to provide general background information regarding the procedural posture of the present appeal. See WIS. STAT. RULE 809.23(3)(a).

On June 8, 2025, Price County filed a notice in this court, stating that it would “not seek to modify or otherwise supplement its existing briefs based on the Wisconsin Supreme Court’s holding” in *H.C.* because “[t]he holding in *H.C.* is clear and requires the Court of Appeals to affirm the judgment.” On June 12, 2025, Lauren filed a notice in which she “recognize[d] that the decision in *H.C.* addresses the sole issue raised in this case” and stated that she “does not intend to modify or supplement the briefing.”

We agree with the County that our supreme court’s holding in *H.C.* is dispositive, and given that Lauren’s only challenge on appeal is to the proper burden of proof, *H.C.* requires us to affirm the order terminating her parental rights. Lauren raises no arguments to the contrary.

Upon the foregoing,

IT IS ORDERED that the order terminating Lauren’s parental rights is summarily affirmed pursuant to 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