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**DISTRICT III**

September 23, 2025

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

2025AP1226

Sawyer County Health and Human Services v. S. R.  
(L. C. No. 2023TP3)

Before Hruz, 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).**

Susan appeals an order terminating her parental rights to her daughter, Gina.<sup>2</sup> Susan argues that the “circuit court erroneously exercised its discretion by failing to adequately consider and weigh the required statutory factors” for determining Gina’s best interests. Based

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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> For ease of reading, we refer to the appellant in this matter using a pseudonym rather than her initials. We do the same for the child.

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.

Sawyer County filed a petition to terminate Susan’s parental rights to Gina in August 2023, alleging that grounds existed to terminate Susan’s parental rights under WIS. STAT. § 48.415(2), continuing need of protection or services.<sup>3</sup> The County filed a motion for summary judgment as to the grounds portion of the termination of parental rights (TPR) process, and an accompanying affidavit written by Erika Prince, Gina’s case manager, set forth the factual basis for the motion. The court scheduled an evidentiary hearing on the matter and, after taking testimony from Prince and another social worker for the County, the court granted the County’s motion for summary judgment.

The matter then proceeded to the dispositional phase of the TPR process where, pursuant to WIS. STAT. § 48.426(2) and (3), the circuit court was required to consider the following factors to determine the best interests of the child:

- (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.

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<sup>3</sup> A contested TPR proceeding involves a two-step procedure. *Sheboygan Cnty. DHHS v. Julie A.B.*, 2002 WI 95, ¶24, 255 Wis. 2d 170, 648 N.W.2d 402. The first step is a factfinding hearing, in which a jury or circuit court determines “whether any grounds for the termination of parental rights have been” proved. *Id.*, ¶26 (quoting WIS. STAT. § 48.424(3)). The termination proceedings then move to the second step, a dispositional hearing, at which the circuit court must consider the best interests of the child. WIS. STAT. § 48.426(2).

- (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.

Sec. 48.426(3). We briefly summarize the evidence presented at the dispositional hearing and the court's findings relevant to the above factors.

Prince testified that if the TPR were ordered, Gina would likely be adopted by her foster parents, with whom Gina had been residing for the past four years. Prince further stated that, as of the date of the hearing, Gina was 7 years old and that she was removed from Susan's care when Gina was 18 months old. Prince stated that Gina's foster mother is Gina's paternal aunt and that Gina's relationship with her biological family would continue after the termination. Prince stated that she had not asked Gina what her wishes were, but she explained that Gina is "happy" and "thriving" with her foster parents. Prince also opined that Gina's current placement is a more stable and permanent family relationship than the relationship she has with her biological parents.

Gina's foster mother testified that she intended to adopt Gina and that Gina had expressed her wish to be adopted by her foster parents. The foster mother stated that she wanted Gina to love her biological parents even if adoption took place. The foster mother explained that she wanted Susan to get sober so that Susan and Gina could have a relationship in the future. The foster mother also stated that she and her husband strive to keep a consistent and stable house, which was contrasted with Susan's struggles to do so, given her addiction. The foster mother stated that Gina and her siblings meet in person approximately once a month. Susan also

testified about her relationship with Gina, and she stated that she had been sober for four months as of the dispositional hearing.

The circuit court found that, after applying all of the evidence to the factors in WIS. STAT. § 48.426(3), it was in Gina’s best interests to terminate Susan’s parental rights. The court then entered an order terminating Susan’s parental rights to Gina. On appeal, Susan contends that the court erroneously exercised its discretion by failing to properly consider and weigh the required statutory factors in finding the termination of her rights was in Gina’s best interests.

After a valid finding of grounds to terminate parental rights, a circuit court’s dispositional decision to terminate parental rights is discretionary. *State v. B.W.*, 2024 WI 28, ¶70, 412 Wis. 2d 364, 8 N.W.3d 22. “[T]his court will affirm a discretionary decision by a circuit court as long as the court did not erroneously exercise its discretion.” *Id.* (citation omitted). “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.” *Id.* (citation omitted).

In finding that the termination of Susan’s parental rights was in Gina’s best interest, the circuit court expressly noted that the foster mother intended to allow Gina to continue to have a relationship with her biological sister and biological parents. The court also noted that Gina had been removed from Susan’s home for approximately seven years and that Susan had failed to meet the conditions to have Gina returned to her care during that time. The court found that the foster mother’s home was a more stable environment for Gina and that removing her from that home would be “detrimental” to Gina. These findings appear to correlate to the best interest factors in § 48.426(3)(c), (e), and (f), respectively.

While the circuit court did not explicitly reference the factor in WIS. STAT. § 48.426(3)(a), or make explicit factual findings in its oral ruling regarding WIS. STAT. § 48.426(3)(a), the court made multiple references to the foster mother's efforts in providing Gina "with an amazing life," including mentioning the foster mother's intent to facilitate Gina's relationship with her biological parents. Thus, it is clear that the court contemplated the likelihood of Gina continuing to live with the foster mother and her adoption. Similarly, while the court did not explicitly reference the factor in § 48.426(3)(b), the court did consider the number of years that Susan has failed to have Gina returned to Susan's custody. Further, we note that Gina's age was uncontested at the dispositional hearing and we again note that the court stated that it applied the evidence to the factors it needed to consider.

Moreover, "[a]lthough the proper exercise of discretion contemplates that the ... court explain its reasoning, when the court does not do so, we may search the record to determine if it supports the court's discretionary decision." *Randall v. Randall*, 2000 WI App 98, ¶7, 235 Wis. 2d 1, 612 N.W.2d 737. Even if we assume that the circuit court's factual findings did not expressly mention WIS. STAT. § 48.426(3)(a), (b) and (d), we conclude that the record supports the court's discretionary decision.

The record indicates that Gina was first removed from Susan's care when Gina was approximately 18 months old, that she was placed in her current foster home when she was approximately 3 years old, and that she was 7 years old at the time of the dispositional hearing. Both Prince and the foster mother testified that Gina would likely be adopted by her foster parents if the TPR were ordered; further, Prince stated that the County and the foster family had already begun working with the Lutheran Social Services to finalize adoption. Finally, as noted,

the foster mother testified that Gina expressed her desire to be adopted by her foster family. Importantly, Susan did not present any evidence to the contrary on any of these factors.

The above evidence, in conjunction with the circuit court’s statement that it was applying the evidence to the necessary factors, supports the court’s discretionary decision to terminate Gina’s parental rights. Gina’s argument to the contrary essentially amounts to a “magic words” requirement that Wisconsin courts have previously considered and rejected. *See State v. A.G.*, 2023 WI 61, ¶29, 408 Wis. 2d 413, 992 N.W.2d 75; *State v. D.H.*, No. 2022AP1454, unpublished slip op., ¶16 (WI App Dec. 6, 2022).<sup>4</sup> Here, the court examined the relevant facts, applied the proper standard of law by considering Gina’s best interests, and used a demonstrated rational process to reach a conclusion that a reasonable judge could reach. Therefore, the court did not erroneously exercise its discretion in finding that termination of Susan’s parental rights was in Gina’s best interest.

Upon the foregoing,

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

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*

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<sup>4</sup> Unpublished opinions authored by a single judge and issued on or after July 1, 2009, may be cited for their persuasive value. WIS. STAT. RULE 809.23(3)(b).