



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT IV

October 16, 2025

To:

Hon. W. Andrew Voigt
Circuit Court Judge
Electronic Notice

Julie Kayartz
Clerk of Circuit Court
Columbia County Courthouse
Electronic Notice

Kelsey Jarecki Morin Loshaw
Electronic Notice

Gabriel Andres Pollak
Electronic Notice

Brenda L. Yaskal
Electronic Notice

Jesse Spankowski
Miller & Miller, LLC
311 DeWitt St.
Portage, WI 53901

A. M. Y.

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

2025AP1959-NM

Columbia County Health and Human Services v. A.M.Y.
(L.C. # 2023TP2)

Before Taylor, 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).

A.M.Y. appeals from an order terminating her parental rights to her daughter, Y.R.C.Y. A.M.Y.'s appellate counsel, Kelsey Loshaw and Gabriel Pollak, have filed a no-merit report. See WIS. STAT. RULES 809.107(5m), 809.32; *see also Anders v. California*, 386 U.S. 738 (1967). A.M.Y. was advised of her right to file a response, and she has not responded. Based upon an

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.

independent review of the record and the no-merit report, this court concludes that an appeal would lack arguable merit. Therefore, the order terminating A.M.Y.'s parental rights is summarily affirmed.

Y.R.C.Y. was born in August 2021 and was removed from her mother's care six days later. On February 8, 2022, Y.R.C.Y. was adjudicated to be a child in need of protection and services (CHIPS). Y.R.C.Y. was placed with her maternal grandmother and her maternal grandmother's husband. On March 3, 2023, Columbia County ("the County") filed a petition to terminate A.M.Y.'s parental rights to Y.R.C.Y. The petition alleged grounds of continuing CHIPS and failure to assume parental responsibility. *See* WIS. STAT. § 48.415(2), (6).

At the initial hearing on the petition, the circuit court entered a default judgment against A.M.Y. as to the grounds for termination. Later, at the dispositional hearing, the court granted the petition to terminate A.M.Y.'s parental rights. At the dispositional hearing, the court heard testimony from the social worker assigned to the case regarding the statutory best interest factors governing disposition under WIS. STAT. § 48.426(3). However, the court did not address the issue of grounds for termination in its oral ruling.

A.M.Y. appealed, and this court reversed the order terminating her parental rights, concluding that the circuit court erroneously exercised its discretion by failing to take evidence sufficient to show that grounds for termination existed prior to granting default judgment and that the State failed to show that the error was harmless. *See State v. A.M.Y.*, No. 24AP1162, unpublished slip op. at 10 (WI App Sept. 26, 2024). Following appeal, the default judgment was vacated and the case was scheduled for an adjourned initial appearance. Notice of the hearing was sent to A.M.Y. at an address in Illinois, and the notice stated, "All parties and counsel to be personally present."

A.M.Y. did not appear for the adjourned initial appearance, and the County again moved for default judgment. A.M.Y.'s counsel objected. The circuit court withheld ruling on the objection and proceeded to hear evidence on the grounds for termination. Specifically, the court heard testimony from the social worker assigned to the case. At the close of the hearing, the court requested briefing on two issues: (1) whether A.M.Y.'s failure to appear was egregious; and (2) whether the testimony presented sufficient evidence for grounds to terminate A.M.Y.'s parental rights. A dispositional hearing was scheduled, and a notice of the hearing was sent to the parties.

At the dispositional hearing, A.M.Y. again did not appear. The circuit court found that the record supported a finding that A.M.Y.'s failure to appear was egregious and in bad faith. The court then went on to the dispositional phase of the hearing and found that it was in the best interest of the child to terminate A.M.Y.'s parental rights.

A.M.Y. appealed, and her counsel filed a no-merit report. Counsel concludes in the no-merit report that there would be no arguable merit to a claim that the circuit court erred when, following the rescheduled hearing on the grounds for termination, it granted default judgment in favor of the County. When a court orders default judgment against a parent for failing to follow a court order, it must first find that the parent's failure was egregious or in bad faith. *Dane Cnty. Dept. of Human Servs. v. Mable K.*, 2013 WI 28, ¶¶69-70, 346 Wis. 2d 396, 828 N.W.2d 198. The decision to enter a default judgment is within the sound discretion of the circuit court, so long as the judgment represents an appropriate exercise of discretion. *Evelyn C.R. v. Tykila S.*, 2001 WI 110, ¶18, 246 Wis. 2d 1, 629 N.W.2d 768. However, a default judgment does not relieve the court of its duty to find by clear and convincing evidence that the grounds for termination have been satisfied. *Id.*, ¶26.

We agree with counsel that there would be no arguable merit to challenging the circuit court's entry of default judgment at the rescheduled hearing on the grounds for termination. The circuit court found that A.M.Y.'s failure to appear as directed by court order was egregious and in bad faith. The court came to this conclusion after considering the entire history of the case and after reviewing briefing on the issue by the parties. Having found that A.M.Y.'s failure to appear was egregious and in bad faith, it was within the court's discretion to enter default judgment in favor of the County, and there is nothing in the record that would support an argument that the court erroneously exercised that discretion. *See id.*, ¶18. The court went on to find that there was clear and convincing evidence of A.M.Y.'s failure to assume parental responsibility under WIS. STAT. § 48.415(6). Grounds exist to terminate parental rights for failure to assume parental responsibility upon proof that the parent has not had a substantial parental relationship with the child. § 48.415(6)(a). A "substantial parental relationship" is the acceptance and exercise of significant responsibility for the daily supervision, education, protection, and care of the child. § 48.415(6)(b).

Here, the record reflects that the circuit court considered the undisputed testimony from the adjourned initial appearance and examined A.M.Y.'s relationship with Y.R.C.Y. for the entirety of the child's life before finding that A.M.Y. failed to assume parental responsibility. The court stated that A.M.Y.'s "involvement in her child's life declined over the period of time when she was permitted to have contact with the child." The court further found that A.M.Y.'s reduced involvement was the "direct result of [her] choices to move further and further away and to avoid the jurisdiction of this and multiple criminal courts in Wisconsin." We are satisfied that the clear and convincing evidence supports grounds for termination of A.M.Y.'s parental rights, such that any argument to the contrary is without arguable merit on appeal.

The no-merit report also discusses whether the circuit court properly exercised its discretion in determining that termination of A.M.Y.'s rights was in the best interest of the child. A court properly exercises its discretion when it employs a logical rationale based on the correct legal principles and the facts of record. *Kohl v. Zeitlin*, 2005 WI App 196, ¶28, 287 Wis. 2d 289, 704 N.W.2d 586. The record reflects that the court did so here. At the dispositional hearing, the court heard testimony from the social worker assigned to the case and from Y.R.C.Y.'s grandmother regarding the best interest of the child. The court then addressed on the record each of the statutory factors under WIS. STAT. § 48.426(3), applied the factors to the evidence, and concluded that it was in the best interest of the child to terminate A.M.Y.'s parental rights. We agree with counsel that there would be no arguable merit to a claim that the circuit court erroneously exercised its discretion in determining that it was in the best interest of Y.R.C.Y. to terminate A.M.Y.'s parental rights.

This court's independent review of the record reveals no other potential issues of arguable merit.

Therefore,

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

IT IS FURTHER ORDERED that Attorneys Kelsey Loshaw and Gabriel Pollak are relieved from further representation of A.M.Y. in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals