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DISTRICT I

November 25, 2025

To:

Hon. Joseph R. Wall
Circuit Court Judge
Electronic Notice

Tammy Kruczynski
Juvenile Clerk
Milwaukee County Courthouse
Electronic Notice

Brett Lee McKellar
Electronic Notice

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Electronic Notice

Anne M. Abell
Electronic Notice

Division of Milwaukee Child Protective
Services
Charmian Klyve
635 North 26th Street
Milwaukee, WI 53233-1803

K.L.

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

2025AP1974-NM	In re the termination of parental rights to A.P., a person under the age of 18: State of Wisconsin v. K.L. (L.C. # 2023TP78)
2025AP1975-NM	In re the termination of parental rights to M.P., a person under the age of 18: State of Wisconsin v. K.L. (L.C. # 2023TP79)

Before Colón, P.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).

Appellate counsel, Brett L. McKellar, has filed a no-merit report in these consolidated appeals of orders terminating K.L.'s ("Kaitlynn") parental rights to her children, A.P. ("Ann")

¹ These appeals, which were consolidated by order of this court, are 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.

and M.P. (“Michael”).² See WIS. STAT. RULES 809.107(5m), 809.32; see also *Anders v. California*, 386 U.S. 738 (1967). Kaitlynn submitted a response. Following an independent review of the records, the no-merit report, and Kaitlynn’s response, this court concludes that there are no arguably meritorious issues to pursue on appeal. Therefore, the orders terminating Kaitlynn’s parental rights are summarily affirmed.

On May 19, 2023, the State of Wisconsin filed petitions to terminate Kaitlynn’s parental rights to the two children mentioned above.³ The petition, which was subsequently amended, alleged grounds of continuing need of protection or services (CHIPS) and failure to assume parental responsibility as to Ann and Michael. The cases were tried together and a jury determined that grounds existed relative to each child. Specifically, the jury determined that the State proved the ground of continuing CHIPS for each case, but not the failure-to-assume ground. The cases proceeded to a dispositional hearing, where the circuit court terminated Kaitlynn’s parental rights. These consolidated no-merit appeals follow.

The no-merit report addresses a number of issues including the following: the circuit court’s competency to proceed and adherence to statutory deadlines; evidentiary and other pretrial issues; the court’s decision to strike a juror for cause during the trial; and the court’s decision to limit Kaitlynn’s visitation following the jury’s verdicts. This court’s review of the records confirms counsel’s conclusion that all of these potential issues lack arguable merit. The

² For ease of reading and to protect the confidentiality of these proceedings, we use pseudonyms to refer to all involved parties in this case.

³ The petitions also sought to terminate the parental rights of the children’s father, who is not the subject of these appeals.

no-merit report sets forth an adequate discussion of these potential issues to support the no-merit conclusion, and they need not be addressed further.

The no-merit report additionally analyzes whether the evidence was sufficient to prove the continuing CHIPS ground. To prove the ground of continuing CHIPS, the State was required to prove three elements: (1) Ann and Michael were adjudicated to be in need of protection or services and placed outside the home for a cumulative total period of six months or longer pursuant to one or more court orders containing the termination of parental rights warnings; (2) the Division of Milwaukee Child Protective Services made reasonable efforts to provide the services ordered by the court; and (3) Kaitlynn failed to meet the conditions established for the safe return of Ann and Michael to her home. *See* WIS JI—CHILDREN 324. The jury trial in this matter spanned four days and included testimony from ten witnesses, including Kaitlynn. The parties agreed that the first element of the ground of continuing CHIPS was satisfied. The no-merit report details the evidence presented at trial that satisfies the remaining elements, and this court agrees with the no-merit conclusion.

In her response, Kaitlynn challenges various assertions and evidence that was presented during trial. She also argues that a reduction in her visitation opportunities with the children left her with a limited opportunity to be present in the children’s lives. As best this court can discern, Kaitlynn seems to be challenging the sufficiency of the evidence to support the jury’s finding of continuing CHIPS. She and the children’s father testified during the trial to much of what she presents in her response. “When reviewing a jury’s verdict, we consider the evidence in the light most favorable to the verdict.” *Tammy W-G. v. Jacob T.*, 2011 WI 30, ¶39, 333 Wis. 2d. 273, 797 N.W.2d 854. “[I]t is the role of the jury, not an appellate court, to balance the credibility of witnesses and the weight given to the testimony of those witnesses.” *Morden v. Continental*

AG, 2000 WI 51, ¶39, 235 Wis. 2d 325, 611 N.W.2d 659. The records support the jury’s findings such that any challenge to the sufficiency of the evidence would be without arguable merit.

The no-merit report additionally discusses whether the circuit court erroneously exercised its discretion when it terminated Kaitlynn’s parental rights. “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). The circuit court must consider the factors set forth in WIS. STAT. § 48.426, giving paramount consideration to the best interest of the child. *See Gerald O.*, 203 Wis. 2d at 153-54. Here, the records reflect that the circuit court expressly considered the relevant factors, made a number of factual findings based on the evidence presented, and reached a reasonable decision.

This court’s independent review of the records reveals no other potential issues of arguable merit.

Therefore,

IT IS ORDERED that the orders terminating K.L.’s parental rights are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Brett L. McKellar is relieved of further representation of K.L. 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