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DISTRICT I

December 16, 2025

To:

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Circuit Court Judge
Electronic Notice

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Juvenile Clerk
Milwaukee County Courthouse
Electronic Notice

Danielle E. Chojnacki
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Steven Zaleski
Electronic Notice

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

S.N.K.

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

2025AP2376-NM

In re the termination of parental rights to J.K., a person under the
age of 18: State of Wisconsin v. S.N.K. (L.C. # 2023TP62)

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).**

S.N.K., by counsel, appeals the circuit court order terminating her parental rights to her
child, J.K. Attorney Steven Zaleski, appointed counsel for S.N.K., has filed a no-merit report

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.

pursuant to WIS. STAT. RULES 809.107(5m) and 809.32. S.N.K. was informed of her right to respond to the report, but she has not done so. Upon consideration of the report, and an independent review of the record as required by *Anders v. California*, 386 U.S. 738 (1967), this court concludes there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the circuit court's order. See WIS. STAT. RULE 809.21.

S.N.K. is the biological mother of J.K., who was born in June 2020. Both S.N.K. and J.K. had Benzodiazepine in their systems when J.K. was born, and S.N.K. admitted to using Xanax regularly during her pregnancy.

S.N.K. has an extensive history of substance abuse along with mental health issues. She also has a history of domestic violence with the father of her older child. At the request of S.N.K., J.K. was removed from S.N.K.'s care the day after he was discharged from the hospital after his birth. At that time, S.N.K. admitted she was intoxicated and involved in a domestic violence incident. J.K. was placed in foster care.

In April 2023, the State filed a petition for the termination of S.N.K.'s parental rights to J.K. In the petition, the State alleged as grounds for termination the continuing need for protection and services for J.K., pursuant to WIS. STAT. § 48.415(2), and the failure by S.N.K. to assume parental responsibility, pursuant to § 48.415(6). The State asserted that S.N.K. had not met the conditions for the return of J.K. For example, S.N.K. did not demonstrate that she had gained control of her substance abuse and mental health issues; she had an unresolved municipal arrest warrant; and she had started canceling required visits with J.K. In fact, the petition states that S.N.K. was hesitant about reunification with J.K. because she could not manage caring for

him, and that she had indicated she wanted to pursue the voluntary termination of her parental rights.

During the grounds phase of the proceedings, S.N.K. chose to enter a no-contest plea to the ground of failure to assume parental responsibility; the continuing need for protection and services for J.K. ground was dismissed. The matter then proceeded to the disposition phase. Based on the evidence presented—including testimony from S.N.K., her case worker, the visitation supervisor, and J.K.’s foster parent—the circuit court determined that it was in J.K.’s best interests to terminate S.N.K.’s parental rights. This no-merit appeal follows.

In the no-merit report, appellate counsel first addresses whether there would be arguable merit to challenges relating to the competency of the circuit court relating to adherence to statutory deadlines. Counsel states, and the record reflects, that the circuit court either acted within the statutory time periods for these proceedings as set forth in WIS. STAT. §§ 48.422(1)-(2), 48.424(4), and 48.427(1), or found good cause to grant a continuance, pursuant to WIS. STAT. § 48.315(2)-(3). We therefore agree with counsel’s analysis that there would be no arguable merit to a claim relating to statutory deadlines.

Appellate counsel next addresses whether there would be any arguable merit to a claim relating to S.N.K.’s no-contest plea. The record reflects that the circuit court engaged in a thorough plea colloquy with S.N.K. However, appellate counsel observes that the court did not identify the adoptive resource for J.K. during the colloquy, as required under WIS. STAT. § 48.422(7)(bm). However, testimony at the dispositional hearing established the identity of a proposed adoptive resource—the foster parents. Accordingly, the error in failing to address this issue during the plea colloquy is harmless. See *Evelyn C.R. v. Tykila S.*, 2001 WI 110, ¶¶31-32,

246 Wis. 2d 1, 629 N.W.2d 768. Therefore, we agree with appellate counsel that a claim regarding the validity of S.N.K.'s plea would lack arguable merit.

Appellate counsel next addresses whether there would be arguable merit to challenges relating to the disposition phase of these proceedings. “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 interests of the child. *See Gerald O.*, 203 Wis. 2d at 153-54. Here, the record reflects 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. We therefore agree with appellate counsel’s conclusion that any challenge to the circuit court’s decision to terminate S.N.K.’s parental rights would lack arguable merit.

Finally, the no-merit report discusses whether S.N.K. could pursue an arguably meritorious claim that her trial counsel was ineffective. To prevail on such a claim, a litigant must show that counsel’s performance was deficient and that the deficiency prejudiced the defense. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984). There is nothing in the no-merit report or the record to suggest that trial counsel rendered ineffective assistance of counsel in representing S.N.K. We therefore agree with appellate counsel that any such claim would lack arguable merit.

Our 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 Attorney Steven Zaleski is relieved of further representation of S.N.K. 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