



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 III

February 17, 2026

To:

Hon. Peggy L. Miller
Circuit Court Judge
Electronic Notice

Caroline Brazeau
Clerk of Circuit Court
Marinette County Courthouse
Electronic Notice

Kim A. Coggins
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Michael J. Fairchild
Electronic Notice

David J. Susens
Electronic Notice

S. B.

Michael R. Blum
Electronic Notice

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

2025AP2399-NM

M. R. v. S. B. (L. C. No. 2024TP9)

Before Stark, 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).

Steven² appeals from an order terminating his parental rights to Nicole. Attorney David Susens has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT.

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.

Cases appealed under WIS. STAT. RULE 809.107 are “given preference and shall be taken in an order that ensures that a decision is issued within 30 days after the filing of the appellant’s reply.” RULE 809.107(6)(e). Conflicts in this court’s calendar have resulted in a delay. It is therefore necessary for this court to sua sponte extend the deadline for a decision in this case. *See* WIS. STAT. RULE 809.82(2)(a); *Rhonda R.D. v. Franklin R.D.*, 191 Wis.2d 680, 694, 530 N.W.2d 34 (Ct. App. 1995). Accordingly, we extend our deadline to the date this decision is issued.

RULE 809.32; *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report sets forth the procedural history of the case and addresses whether the circuit court properly granted partial summary judgment in the grounds phase of the proceeding and properly determined that termination was in Nicole’s best interest in the dispositional phase. Steven was advised of the right to respond to the no-merit report, but he has not filed a response. Upon independently reviewing the entire record, as well as the no-merit report, we conclude that counsel shall be allowed to withdraw, and the order will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

We agree with counsel’s analysis and conclusion that any challenge to either the grounds or dispositional phase would lack arguable merit. The ground alleged in the termination petition was that Steven had committed a serious felony against Nicole. *See* WIS. STAT. § 48.415(9m)(a). That ground was supported by a certified copy of a judgment convicting Steven of committing first-degree sexual assault of a child under the age of 13 against Nicole, and Steven did not dispute that judgment of conviction.

At the dispositional hearing, a case manager for a Catholic charity that handles adoptions testified that she had authored a report recommending a stepparent adoption of Nicole. A mental health therapist who had been treating Nicole diagnosed her with posttraumatic stress disorder as a result of Steven’s sexual assault. The therapist opined that termination of Steven’s parental rights would be in Nicole’s best interest because future contact with Steven could be “triggering” or retraumatizing for Nicole and that she did not have a substantial relationship with him. The therapist further testified that Nicole did not have a positive psychological or emotional

² Pursuant to WIS. STAT. RULE 809.81(8), we use pseudonyms instead of the names of the parties and their family members because this is confidential matter.

connection with her paternal grandparents, and Nicole could also be triggered or retraumatized by further contact with them. Nicole associated her paternal grandparents with the sexual assault because it happened in their home. After one discussion about her paternal grandparents, Nicole became so distraught that she needed to go to a crisis center for assessment.

Nicole's mother, Melissa, the petitioner in this matter, testified that her household included her husband Richard, three children that they have together, Nicole, and two other children each from Melissa's and Richard's prior relationships. Melissa said that Nicole was in good health and described how much happier Nicole's demeanor had become after Steven was convicted and Nicole began getting counseling. Melissa stated her intentions to have Nicole continue counseling and to have Richard adopt Nicole. She noted that Nicole had not seen her paternal grandparents since 2021 and that she did not have a substantial relationship with Steven or anyone from Steven's family, although the paternal grandparents had initiated a lawsuit seeking grandparent visitation.

Richard testified that their family of eight was in the process of moving to a larger residence that would have six bedrooms. Richard worked full-time to financially support the family but he was sometimes able to take Nicole to her counseling sessions. He stated his intention to follow through with a stepparent adoption petition that he had filed for Nicole. He noted that Nicole already called him "dad."

Steven testified adversely that he was currently serving a ten-year period of initial confinement in a Wisconsin correctional facility and had not had any contact with Nicole since 2021, when he was charged with the sexual assault. He acknowledged that he would not be able

to have contact with Nicole even when he is on extended supervision, without the approval of his agent.

Nicole's paternal grandmother, Ann, testified on Steven's behalf that Nicole had resided in Ann's household with Steven and Melissa for the first nine months of Nicole's life. Ann had contact with Nicole on a "fairly regular basis" after that point until Nicole was three or four years old, particularly when Steven had periods of visitation with Nicole after he moved back into Ann's household. Ann acknowledged that she had not had any contact or a substantial relationship with Nicole since the sexual assault came to light. Ann had a pending lawsuit for grandparent visitation and wished to reestablish contact with Nicole.

The guardian ad litem relayed that Nicole identified Richard as her father, that she wanted to be adopted by him, and that she wanted nothing to do with Steven.

The circuit court then properly applied the facts established at the hearing to the six factors set forth in WIS. STAT. § 48.426(3). Specifically, the court determined that: (1) Nicole was likely to be adopted by Richard following the termination of Steven's rights; (2) Nicole was nine years old and currently in a stable family relationship with her mother, stepfather, and siblings; (3) Nicole did not have any substantial relationship with Steven or Steven's family, and it would not be harmful to Nicole to sever any relationship with them, particularly given that future contact with Steven could be retraumatizing to her and she barely remembered her paternal grandparents; (4) Nicole's wish was to have Richard as her adoptive father; (5) Nicole had been separated from Steven since January 2021 and would continue to be separated from him for the rest of her childhood; and (6) termination of Steven's rights and adoption by Richard would allow Nicole's stable family relationships to become more permanent.

Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Accordingly,

IT IS ORDERED that the order terminating parental rights is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney David Susens is relieved of any further representation of Steven in this matter pursuant to 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