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DISTRICT II

February 25, 2026

To:

Hon. Michael S. Gibbs
Circuit Court Judge
Electronic Notice

Steven Zaleski
Electronic Notice

Sara Henke
Register in Probate
Winnebago County Courthouse
Electronic Notice

K. G.

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

2025AP2905-NM M. G. v. K. G. (L.C. #2024TP11)

Before Grogan, 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).

K.G., by counsel, appeals the circuit court order terminating her parental rights to her son, P.G. Attorney Steven W. Zaleski, appointed counsel for K.G., has filed a no-merit report pursuant to WIS. STAT. RULES 809.107(5m) and 809.32. K.G. was informed of her right to respond to the report, but has not filed a response. After considering the report and conducting

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.

an independent review of the record as required by *Anders v. California*, 386 U.S. 738 (1967), this court concludes that there is no arguable merit to any issue that could be raised on appeal. Therefore, the circuit court order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

K.G.'s brother, M.G., filed a petition in 2024 to terminate K.G.'s parental rights to P.G. P.G. had resided continuously in M.G.'s home since 2018, and M.G. was P.G.'s legal guardian. As grounds, M.G. asserted that K.G. had failed to assume parental responsibility for P.G. and had abandoned P.G. *See* WIS. STAT. § 48.415(1) and (6). K.G. stipulated to her failure to assume parental responsibility. The circuit court entered a finding of unfitness as to K.G. and set the matter for a dispositional hearing. At the dispositional hearing, after hearing evidence and argument, the circuit court determined that termination of K.G.'s parental rights was in P.G.'s best interests, and subsequently entered an order to that effect. K.G. filed a notice of intent to pursue postdisposition relief, and this no-merit appeal follows.

This court is satisfied that the petition contains all the information required by WIS. STAT. § 48.42(1). The petition sets forth "with specificity" the facts and circumstances underlying the alleged grounds as required. *See id.* There is no arguable merit to challenging the legal sufficiency of the petition.

The no-merit report addresses whether the circuit court complied with the statutory deadlines that govern termination of parental rights proceedings. The record reflects that all of the statutory deadlines under WIS. STAT. ch. 48 were either met or properly extended for good cause, without objection, to accommodate the parties' schedules or, in one instance, K.G.'s desire to wait for counsel to be appointed. "Failure to object to a period of delay ... waives any challenge to the court's competency to act during the period of delay[.]" WIS. STAT. § 48.315(3).

Any challenge to the circuit court proceedings based upon a failure to comply with the statutory time limits would be without arguable merit on appeal.

Next, the no-merit report addresses potential issues with K.G.'s stipulation to the ground of failure to assume parental responsibility. The circuit court conducted a colloquy with K.G., ascertaining, among other things, her education and ability to understand what was happening, the adequacy of her discussions with counsel, and her understanding of the consequences of stipulating to the ground of failure to assume parental responsibility. Attorney Zaleski notes that "in accepting KG's stipulation, the circuit court failed to address the identity of a proposed adoptive resource for PG" as required by WIS. STAT. § 48.422(7)(bm), which provides that that the court shall "[e]stablish whether a proposed adoptive parent of the child has been identified" "before accepting an admission of the alleged facts in a petition." However, as Attorney Zaleski points out, to the extent the court's failure to identify M.G. as a proposed adoptive parent during the plea colloquy was error, this potential issue does not provide an arguably meritorious issue for postdisposition relief. M.G. was repeatedly identified as a proposed adoptive parent from the beginning of the case; he filed a petition for adoption along with the petition for parental rights, and the circuit court stated on the record that the adoption case would "continue to track procedurally with this case" before K.G.'s stipulation. See *Waukesha County v. Steven H.*, 2000 WI 28, ¶58, 233 Wis. 2d 344, 607 N.W.2d 607 (determining parent was not prejudiced and could not rely on error to reverse termination proceedings when information necessary for compliance with § 48.422(3) was put on the record in other proceedings). There is no evidence to suggest that K.G. would not have stipulated had the circuit court explicitly identified M.G. as a potential adoptive resource during her colloquy. See *Martindale v. Ripp*, 2001 WI 113, ¶32,

246 Wis. 2d 67, 629 N.W.2d 698 (an error is harmless if there is no “reasonable possibility” that it contributed to the outcome of the proceeding at issue).

Similarly, the no-merit report considers a potential failure of the circuit court to “hear testimony in support of the allegations in the petition” before accepting K.G.’s stipulation. WISCONSIN STAT. § 48.422(3) provides that a court “shall” hear such testimony “[i]f the petition is not contested.” Here, K.G. entered a stipulation admitting to the ground of failure to assume parental responsibility alleged in the petition, not a no-contest plea to those allegations. See *Steven H.*, 233 Wis. 2d 344, ¶52 (“Deciding not to contest the allegations of the petition is not equivalent to admitting the allegations in a petition.”). During its colloquy with K.G., the circuit court discussed the allegations in the petition, satisfying its obligation to “[m]ake such inquiries as satisfactor[y to] establish that there is a factual basis for the admission” under §48.422(7)(c). There is nothing in the no-merit report or the record to suggest that K.G.’s plea colloquy was defective or that her plea was not voluntary, knowing, and intelligent. See *B.W.*, 412 Wis. 2d 364, ¶¶52-53; *State v. Bangert*, 131 Wis. 2d 246, 265-66, 389 N.W.2d 12 (1986). For these reasons, this court concludes that any challenge to the entry of K.G.’s stipulation to her failure to assume parental responsibility would be without merit.

The no-merit report also addresses potential issues with disposition, concluding that none provide an arguably meritorious basis for relief. At the dispositional hearing, the circuit court heard testimony from various witnesses called by the parties. At the conclusion of the evidentiary phase of the hearing, the court heard argument from M.G., K.G., and the guardian ad litem for P.G. In rendering its decision to terminate parental rights, the court made findings of fact and then considered the required statutory factors: the likelihood of adoption, the age and health of P.G., whether P.G. had a substantial relationship with K.G. and other family members,

and whether it would be harmful to terminate such relationships, P.G.'s wishes (as communicated by the guardian ad litem), the duration of P.G.'s separation from K.G., and whether P.G. would be able to enter into a more stable and permanent family relationship as a result of termination. *See* WIS. STAT. § 48.426(3). The court concluded that termination of K.G.'s parental rights to P.G. was in the best interests of P.G., and the record supports this decision. Thus, a challenge to the dispositional process or the circuit court's decision to terminate parental rights under the best interests of the child standard would not have any arguable merit.

Finally, the no-merit report summarizes K.G.'s counsel's performance. This court agrees that nothing in the record suggests that trial counsel rendered ineffective assistance of counsel in representing K.G.

Upon an independent review of the record, this court has determined that there is no arguable basis for reversing the order terminating K.G.'s parental rights. This court concludes that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Steven W. Zaleski is relieved of any further representation of K.G. in this matter.

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

Samuel A. Christensen
Clerk of Court of Appeals