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DISTRICT IV

April 16, 2026

To:

Hon. Michael D. Zell
Circuit Court Judge
Electronic Notice

Kyle N. Minden
Electronic Notice

Sandra Gagas
Register in Probate
Portage County Courthouse
Electronic Notice

Tiffany Rose Wunderlin
Electronic Notice

T.S.

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

2026AP455-NM

In re the termination of parental rights to E.B.L., a person under the age of 18: Portage County Health and Human Services Department v. T.S. (L.C. # 2025TP8)

Before Graham, 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).

Attorney Kyle Minden, appointed counsel for T.S., has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 concluding that there is no arguable basis for challenging the order terminating T.S.'s parental rights to E.B.L.² T.S. was provided a copy of the report, and has not filed a response. On this court's independent review of the record as mandated by *Anders v.*

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.

² Pursuant to the policy underlying WIS. STAT. RULE 809.81(8), this court uses initials when referring to the father and child in this confidential matter.

California, 386 U.S. 738 (1967), the court concludes that there is no issue of arguable merit. Therefore, the order terminating T.S.'s parental rights is summarily affirmed. *See* WIS. STAT. RULE 809.21.

E.B.L. was born in June 2021. When E.B.L. was five months old, the circuit court entered a dispositional order that adjudicated E.B.L. a child in need of protection or services (CHIPS) and placed E.B.L. outside the home. E.B.L. was placed in a foster home and has remained in that home through the pendency of this case.

In May 2022, T.S. was adjudicated the biological father of E.B.L. In July 2022, the dispositional order was modified to include conditions of return for T.S. and notice concerning grounds for terminating T.S.'s parental rights. At that time, T.S. was incarcerated. He was released to extended supervision on March 19, 2024. T.S. began supervised visits with E.B.L., and had five to eight visits between March and May 2024. Their last visit was on May 7, 2024. T.S. declined to schedule his next visit at that time, and failed to respond to attempts by the Portage County Health and Human Services Department (the Department) to set up future visits.

On March 26, 2025, the Department petitioned to terminate T.S.'s parental rights, alleging as grounds abandonment, CHIPS, and failure to assume parental responsibility. *See* WIS. STAT. §§ 48.415(1)(a)2., (2)(a), and (6).³ T.S. contested the petition.

³ The petition also sought to terminate the mother's parental rights. The mother subsequently voluntarily terminated her parental rights. The termination of the mother's parental rights is not a subject of this appeal.

The Department moved for partial summary judgment as to abandonment.⁴ This ground for termination of parental rights is established by proving “[t]hat the child has been placed, or continued in a placement, outside the parent’s home by a court order containing the [required TPR notice] and the parent has failed to visit or communicate with the child for a period of 3 months or longer.” WIS. STAT. § 48.415(1)(a)2.

The department asserted that E.B.L. was placed outside the home by an order containing the required TPR notice and that T.S. failed to visit or communicate with E.B.L. for 3 months or longer, including between May 7, 2024, and August 21, 2024. T.S. did not dispute those allegations, but argued that he had good cause for failing to visit or communicate with E.B.L. under WIS. STAT. § 48.415(1)(c) (“Abandonment is not established ... if the parent proves ... by a preponderance of the evidence ... [t]hat the parent had good cause for having failed to visit ... [or] communicate with the child throughout the time period specified ...”). As relevant here, T.S. argued that he had good cause for failing to visit or communicate with E.B.L. between his last visit on May 7, 2024, and his arrest on August 21, 2024, because he had relapsed into drug use and absconded from his probation, and was subject to a warrant for his arrest. T.S. argued that he could not visit or communicate with E.B.L. while he was “on the run.” The circuit court determined that T.S.’s choices that led him to discontinue his visits with E.B.L. did not amount to “good cause” under the statute. Accordingly, the court granted partial summary judgment to the Department as to the abandonment ground.

⁴ Only one ground for termination need be established. *See* WIS. STAT. § 48.415 (“Grounds for termination of parental rights shall be *one* of the following ...” (emphasis added)).

At the dispositional hearing, the circuit court considered the statutory factors and found that termination of T.S.'s parental rights was in E.B.L.'s best interest. *See* WIS. STAT. § 48.426(3).

The no-merit report addresses whether the circuit court erred by granting the Department's motion for partial summary judgment and whether the court properly exercised its discretion by determining that termination of T.S.'s parental rights was in the child's best interest. I agree with counsel's analysis and conclusion that any challenge to the circuit court's decision to grant partial summary judgment as to grounds or the court's exercise of discretion at disposition would lack arguable merit. The no-merit report sets forth an adequate discussion of these potential issues so as to support the no-merit conclusion, and this court need not address them further. An independent review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Kyle Minden is relieved of the obligation to further represent T.S. 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