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**DISTRICT I**

March 11, 2025

To:

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Circuit Court Judge  
Electronic Notice

Tammy Kruczynski  
Juvenile Clerk  
Milwaukee County Courthouse  
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Division of Milwaukee Child Protective  
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T. P.-L.

Courtney L.A. Roelandts  
Electronic Notice

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

2025AP28-NM	In re the termination of parental rights to C.D.S., Jr., a person under the age of 18: State of Wisconsin v. T.P.-L. (L.C. # 2023TP131)
2025AP29-NM	In re the termination of parental rights to C.K.J.S., a person under the age of 18: State of Wisconsin v. T.P.-L. (L.C. # 2023TP132)

Before Donald, P.J.<sup>1</sup>

**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).**

T.P.-L. appeals from orders terminating her parental rights to her children, C.D.S., Jr., and C.K.J.S. Appellate counsel, Steven Zaleski, has filed a consolidated no-merit report. *See* WIS. STAT. RULES 809.107(5m), 809.32; *see also Anders v. California*, 386 U.S. 738 (1967).

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<sup>1</sup> 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 unless otherwise noted.

T.P.-L. was advised of her right to file a response, but she has not responded. Based upon its independent review of the records and the no-merit report, this court concludes that there are no arguably meritorious issues to pursue on appeal. Therefore, the orders terminating T.P.-L.'s parental rights are summarily affirmed.

In January 2021, C.D.S., Jr., was removed from the parental home due to ongoing concerns with T.P.-L.'s neglect of the children and domestic violence perpetrated against her by the children's father. C.K.J.S. was born in March 2021 and remained with T.P.-L. In October 2021, C.D.S., Jr., had a trial reunification with T.P.-L., but both children were subsequently removed from T.P.-L.'s care in November 2021 based on her continued association with the father, which undermined the conditions for the children's return. The children were adjudicated in need of protection or services (CHIPS) in orders dated September 22, 2022.

On August 24, 2023, the State filed the underlying petitions to terminate T.P.-L.'s parental rights, alleging two grounds for termination: continuing CHIPS and failure to assume parental responsibility. *See* WIS. STAT. § 48.415(2), (6). T.P.-L. entered a no-contest plea to the continuing CHIPS ground. Following a dispositional hearing, the circuit court terminated T.P.-L.'s parental rights. T.P.-L. appeals.

In the no-merit report, appellate counsel first discusses whether there is any arguable merit to a claim that the circuit court failed to comply with mandatory time limits, thereby losing competency to proceed. *See* WIS. STAT. §§ 48.422(1)-(2), 48.424(4); *see also State v. April O.*, 2000 WI App 70, ¶5, 233 Wis. 2d 663, 607 N.W.2d 927. Counsel states, and this court's review of the records confirms, that the circuit court either acted within applicable deadlines or found good cause for a continuance under WIS. STAT. § 48.315(2)-(3). We therefore agree with

counsel's conclusion that any challenge to the circuit court's competency would lack arguable merit.

Appellate counsel next discusses whether T.P.-L.'s pleas to the continuing CHIPS ground for termination were knowing, intelligent, and voluntary. Before accepting a no-contest plea to a termination petition, the circuit court must engage the parent in a colloquy. *See* WIS. STAT. § 48.422(7); *see also Oneida Cnty. DSS. v. Therese S.*, 2008 WI App 159, ¶5, 314 Wis. 2d 493, 762 N.W.2d 122. As in a criminal case, the colloquy is required to ensure that the plea is knowing, intelligent, and voluntary and, thus, constitutionally adequate. *See Brown Cnty. v. Brenda B.*, 2011 WI 6, ¶35, 331 Wis. 2d 310, 795 N.W.2d 730; *State v. Bangert*, 131 Wis. 2d 246, 265-66, 389 N.W.2d 12 (1986).

Here, the circuit court conducted a colloquy with T.P.-L. prior to accepting her pleas. The circuit court also heard evidence from the State in support of the continuing CHIPS allegations prior to disposition. *See* WIS. STAT. § 48.415(2)(a). Our review of the records satisfies us that the circuit court conducted a thorough colloquy with T.P.-L. that reviewed all of the necessary information with her and that the State presented sufficient evidence to support the CHIPS ground for termination by clear and convincing evidence. *See Evelyn C.R. v. Tykila S.*, 2001 WI 110, ¶22, 246 Wis. 2d 1, 629 N.W.2d 768. This court therefore agrees with appellate counsel's conclusion that any challenge to T.P.-L.'s no contest pleas would lack arguable merit.

Appellate counsel next discusses whether the circuit court erroneously exercised its discretion when it terminated T.P.-L.'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.

Appellate counsel also specifically considered whether there is any meritorious argument to be made regarding the burden of proof applied at the disposition phase. The Wisconsin Supreme Court is currently considering the applicable standard after this court applied the “preponderance of the evidence” standard. *See State v. H.C.*, No. 2023AP1950, unpublished slip op. (WI App Mar. 5, 2024), *review granted*, (2024 WI 40, \_\_ Wis. 2d \_\_, 15 N.W.3d 25). As appellate counsel notes, however, the circuit court concluded that there was “overwhelming” evidence in support of termination even if the higher clear and convincing evidence standard were required. Accordingly, we agree with appellate counsel that any challenge to the circuit court’s decision to terminate T.P.-L.’s parental rights would lack arguable merit.

Finally, the no-merit report discusses whether T.P.-L. could pursue an arguably meritorious claim that her trial counsel was ineffective. We agree with appellate counsel’s conclusion that the records do not support any arguably meritorious claims of ineffective assistance.

Our independent review of the records reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

IT IS ORDERED that the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Steven Zaleski is relieved from further representation of T.P.-L. in these matters. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*