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DISTRICT II

July 30, 2025

To:

Hon. Anthony G. Milisauskas

Circuit Court Judge

Electronic Notice

Steven Zaleski

Electronic Notice

N. E. G.

Brian Sheffler

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Kenosha County Courthouse

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Brendan John McEntegart

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

2025AP1011-NM	State v. N.E.G. (L.C. #2021TP63)
2025AP1013-NM	State v. N.E.G. (L.C. #2021TP64)
2025AP1014-NM	State v. N.E.G. (L.C. #2021TP65)

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).

Nina appeals from orders terminating her parental rights to her children Josie, Luke, and Vincent.² Appellate counsel, Steven W. Zaleski, has filed a no-merit report. *See* WIS. STAT. RULES 809.107(5m), 809.32; *see also Anders v. California*, 386 U.S. 738 (1967). Nina was

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 For ease of reading and to maintain confidentiality, we use pseudonyms for the children and parents in this case. *See* WIS. STAT. RULE 809.86(1).

advised of her right to file a response, but she has not responded. Based upon our independent review of the Records and the no-merit report, this court concludes that an appeal would lack arguable merit. Therefore, the orders terminating Nina's parental rights are summarily affirmed.

In October 2019, Josie, Luke, and Vincent, then ages eight, five, and two, lived with Nina and Vincent's father, Vance. Following a controlled drug buy, police arrested Vance and Nina. Drugs and guns were found inside the home. The Kenosha County Division of Children and Family Services detained Josie, Luke, and Vincent. In 2020, the circuit court found the children to be in need of protection or services (CHIPS), and the children were placed in foster care. Nina remained incarcerated.

In August 2021, the State filed petitions to terminate Nina's parental rights to Josie, Luke, and Vincent, alleging continuing child in need of protection or services.³ At trial, the social worker testified that, as part of Nina's dispositional orders in each of the CHIPS cases, Nina was required to comply with conditions of return for an incarcerated parent. Significantly, Nina was required to write weekly letters to her children, write monthly letters to the social worker, communicate with the children's educational and medical providers, and sign certain releases. The social worker testified that Nina did not complete the conditions for return. Nina's letters to the children and the social worker were sporadic, Nina contacted one child's therapist on one occasion, and Nina was untimely with signing releases. The dispositional orders, the social worker's correspondence to Nina, and Nina's letters were admitted into evidence. The

³ The State also petitioned to terminate the parental rights of the children's fathers. Ultimately, the circuit court terminated the fathers' parental rights. The orders terminating the fathers' parental rights are not the subject of this no-merit appeal.

jury returned unanimous verdicts that grounds existed to terminate Nina's parental rights for each child.

The circuit court held a dispositional hearing. At the hearing, the State provided evidence to support its argument for termination of Nina's parental rights, including that the children wanted to be adopted by their foster parents. Nina, through her trial counsel, told the court that she wanted what was best for her children, that she was happy they were all together and in a good placement, and that she would like to maintain a relationship with them. The court concluded that termination of Nina's parental rights was in the children's best interests and subsequently entered orders to that effect for each child.

The no-merit report first discusses whether Nina could argue on appeal that the circuit court failed to comply with the statutory time limits under WIS. STAT. ch. 48. The Records reflect that all of the mandatory time limits were either complied with or extended for good cause, without objection, to accommodate the parties' schedules and the need for the parents to receive counsel. The failure to object to a delay waives any challenge to the court's competency on these grounds. *See* WIS. STAT. § 48.315(3). Any challenge to the court proceedings based upon a failure to comply with the statutory time limits would be without arguable merit on appeal.

The no-merit report next discusses whether there is any merit to challenge the jury's determination that grounds existed to terminate Nina's parental rights to the children. “Appellate courts in Wisconsin will sustain a jury verdict if there is any credible evidence to support it. Moreover, if there is any credible evidence, under any reasonable view, that leads to an inference supporting the jury's finding, [appellate courts] will not overturn that finding.””

State v. Quinsanna D., 2002 WI App 318, ¶30, 259 Wis. 2d 429, 655 N.W.2d 752 (alteration in original; citation omitted).

To prove that a child is in continuing need of protection or services, the State must show: that the child has been placed out of the home for a cumulative total of more than six months pursuant to court orders containing the termination of parental rights notice; the applicable county department has made a reasonable effort to provide services ordered by the circuit court; and the parent has failed to meet the conditions established in the order for the safe return of the child to the parent's home. *See* WIS. STAT. § 48.415(2)(a). Here, our review of the Records confirms that the social worker's testimony along with the exhibits offered into evidence established the factual grounds for the finding that grounds existed to terminate Nina's parental rights. Accordingly, there is no arguable merit to claim there is insufficient evidence to support the grounds alleged for termination.

The no-merit report discusses whether the circuit court erroneously exercised its discretion when it terminated Nina'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 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 Records reflect that the court expressly considered the relevant factors in light of the evidence, 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 there is no arguable merit to a claim that the circuit court erroneously exercised its discretion in deciding to terminate Nina's parental rights to Josie, Luke, and Vincent.

