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SUPREME COURT

STATE OF WISCONSIN
SUPREME COURT

In the interest of R.Z.,
a person under the age of 18; Appeal No. 2022AP001249
In the interest of R.Z.,
a person under the age of 18; Appeal No. 2022AP001250
In the interest of C.Z., Jr.,
a person under the age of 18; Appeal No. 2022AP001251
In the interest of J.Z.,
a person under the age of 18; Appeal No. 2022AP001252

Portage County Department of Health
And Human Services,
Petitioner-Respondent

vs.
C.Z., Respondent-Appellant,
S.Z., Respondent.

APPEAL FROM THE JUDGMENTS AND ORDERS TERMINATING
PARENTAL RIGHTS ENTERED IN THE PORTAGE COUNTY
CIRCUIT COURT, THE HONORABLE ROBERT J. SHANNON
PRESIDING.

PETITION FOR REVIEW UNDER RULE 809.32(4)

ZALESKI LAW FIRM
Steven W. Zaleski
State Bar No. 1034597
10 E. Doty St., Ste. 800
Madison, WI 53703
608-441-5199 (Telephone)
Steven.W.Zaleski@gmail.com
Attorney for Respondent-Appellant

STATEMENT OF THE CASE

This case involves petitions filed by the Department to terminate the parental rights of C.Z. to his biological children, R.Z., R.Z., C.Z., Jr., and J.Z. 3:1.¹ The petitions alleged “continuing need of protection or services” and “continuing denial of periods of physical placement or visitation” under Wis. Stat. §§48.415(2) and (4)(b). 3:1.

Prior to trial, the Department filed a motion for summary judgment as to the “continuing denial of periods of physical placement or visitation” claim. 7:1-7, 8:1-30. The circuit court granted the motion. 51:1-4.²

The case proceeded to disposition, and after receiving evidence and hearing argument, the circuit court ordered the termination of C.Z.’s parental rights. 77:67.³ As required by statute, the circuit court subsequently entered a written judgment and order terminating parental rights. 60:1-6. C.Z. filed a notice of intent to pursue postdisposition relief, pursuant to which the State Public Defender appointed the undersigned counsel. By and through counsel, C.Z. filed

¹ Citations to the record refer to 2022AP001249 unless otherwise noted.

² The case proceeded in the same fashion as to the mother.

³ The circuit court ordered termination of the mother’s parental rights as well. 77:67.

a notice of appeal. 87:1-2. After briefing by all parties, the court of appeals affirmed. These proceedings follow.

Dated this 17th day of November 2022.

_____/s/_____

Steven W. Zaleski

Zaleski Law Firm

State Bar No. 1034597

10 E. Doty St., Ste. 800

Madison, WI 53703

608-441-5199 (Telephone)

Steven.W.Zaleski@gmail.com

Attorney for Respondent-Appellant-Petitioner

CERTIFICATION

I hereby certify that this petition meets the form and length requirements of Wis. Stat. Rule 809.19(8)(b) and (c) in that is: proportional serif font, minimum printing resolution of 200 dots per inch, 13 point body text, 11 points for quotes and footnotes, leading of minimum 2 points and maximum of 60 characters per line. The text is 13 point type and the length of the brief is 175 words.

Dated this 17th day of November 2022.

THE ZALESKI LAW FIRM

BY:_____/s/_____

Steven W. Zaleski

State Bar No. 1034597

10 E. Doty St., Ste. 800

Madison, WI 53703

608-441-5199 (Telephone)

Steven.W.Zaleski@gmail.com

Attorney for Respondent-Appellant-Petitioner

CERTIFICATION

I hereby certify that attached to this No Merit Petition for Review is an appendix which contains:

1. The decision and opinion of the court of appeals.
2. The judgments, orders, findings of fact, conclusions of law and memorandum decisions of the circuit court and administrative agencies necessary for an understanding of the petition.
3. Any other portions of the record necessary for an understanding of the petition.
4. A copy of any unpublished opinion cited under s. 809.23 (3) (a) or (b).

Dated this 17th day of November 2022.

THE ZALESKI LAW FIRM

BY: _____/s/_____

Steven W. Zaleski

State Bar No. 1034597

10 E. Doty St., Ste. 800

Madison, WI 53703

608-441-5199 (Telephone)

Steven.W.Zaleski@gmail.com

Attorney for Respondent-Appellant-Petitioner

CERTIFICATION OF COMPLIANCE WITH RULE 809.19(12)

I hereby certify that:

I have submitted an electronic copy of this petition, excluding the appendix, if any, which complies with the requirements of s. 809.19(12). I further certify that:

This electronic petition is identical in content and format to the printed form of the petition filed as of this date.

A copy of this certificate has been served upon all opposing parties.

Dated this 17th day of November 2022.

THE ZALESKI LAW FIRM

BY: _____/s/_____

Steven W. Zaleski

State Bar No. 1034597

10 E. Doty St., Ste. 800

Madison, WI 53703

608-441-5199 (Telephone)

Steven.W.Zaleski@gmail.com

Attorney for Respondent-Appellant-Petitioner

CERTIFICATION BY ATTORNEY

I hereby certify that I have discussed with the respondent-appellant-petitioner all potential issues identified by me and by the respondent-appellant-petitioner and the merit of an appeal on these issues, and I have informed the respondent-appellant-petitioner that the respondent-appellant-petitioner must choose one of the following 3 options: 1) to have me file a no-merit petition for review; 2) to have me close the file without an appeal; or 3) to have me close the file and to proceed without an attorney or with another attorney retained at the respondent-appellant's expense. I have informed the respondent-appellant-petitioner that a no-merit petition for review will be filed if the respondent-appellant-petitioner either requests a no-merit petitioner for review or does not consent to have me close the file without further representation. I have informed the respondent-appellant-petitioner that the transcripts and circuit court case record will be forwarded at the respondent-appellant-petitioner's request. I have also informed the respondent-appellant-petitioner that the respondent-appellant-petitioner may file a response to the no-merit petition for review and that I may file a supplemental no-merit petition for review and affidavit or affidavits containing facts outside the record, possibly including confidential information, to rebut allegations made in the respondent-appellant-petitioner's response to the no merit report.

Dated this 17th day of November 2022.

_____/s/_____

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State Bar No. 1034597
10 E. Doty St., Ste. 800
Madison, WI 53703
608-441-5199 (Telephone)
Steven.W.Zaleski@gmail.com

Attorney for Respondent-Appellant-Petitioner

APPELLANT'S SIGNATURE
IN SUPPORT OF PETITION FOR REVIEW

X C. Z