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DISTRICT I

August 11, 2026

To:

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Abigail Bluett
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D.E.

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

2026AP206-NM

In the matter of the guardianship and protective placement of D.E.:
Milwaukee County v. D.E. (L.C. # 2023GN356)

Before Donald, C.J., Colón, P.J., and Petrashek, J.

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).

D.E. appeals orders for guardianship and protective placement. *See* WIS. STAT. chs. 54 & 55 (2023-24).¹ D.E.'s appellate counsel, Attorney Olivia Garman, filed a no-merit report pursuant to WIS. STAT. RULE 809.32, and *Anders v. California*, 386 U.S. 738 (1967). D.E. did

¹ This case originated in Racine County, and the orders underlying this appeal were entered by Racine County Circuit Court Judge Wynne P. Laufenberg. Venue of the circuit court proceedings was subsequently transferred to Milwaukee County. The only Milwaukee County judicial officials listed in the docket as responsible for the proceedings are court commissioners, so we are providing notice of our decision resolving this appeal to the court commissioner who most recently presided in this matter. All references to the Wisconsin Statutes are to the 2023-24 version.

not file a response. After reviewing the no-merit report and conducting an independent review of the record as mandated by **Anders**, we conclude that no arguably meritorious issues exist for an appeal. Therefore, we summarily affirm. See WIS. STAT. RULE 809.21.

On June 8, 2023, Ascension All Saints Hospital (Ascension), by counsel, petitioned for guardianship and protective placement of D.E., then 36 years old. The petitions alleged that Ascension was providing care to D.E., who had been admitted there from his group home a month earlier “for altered mental status and complaining of multiple falls.” The petitions further alleged that D.E. could not care for himself due to developmental disability, serious and persistent mental illness, and other like incapacities, and that due to his cognitive incapacity and need for 24-hour supervision, he should be placed in a rehabilitation, nursing, or similar facility. Ascension also filed a psychologist’s report prepared by Dr. Deborah Cohen-Smith. Her report stated that D.E. suffers from schizoaffective disorder, tardive dyskinesia, autism, and intellectual disability, all of which interfere with his ability to care for himself. Dr. Cohen-Smith further opined that D.E.’s incapacities interfere with his ability to receive and evaluate information; use information in a decision process; protect himself from abuse, exploitation, neglect, or rights violations; meet essential requirements of his health and safety; manage his property and financial affairs; address the risk of his property being dissipated; provide for his own support; and prevent financial exploitation. Dr. Cohen-Smith concluded that D.E. required placement in a secure setting with monitored egress and that less restrictive interventions, such as training, education, support services, assistive devices, advanced planning, or a representative payee, would not eliminate the need for a guardianship.

The circuit court appointed a guardian *ad litem* (G.A.L.) for D.E. immediately upon the filing of the petition. Through the G.A.L., D.E. advised the court that he did not oppose the

petition for guardianship and that he was “in need of a guardian,” but he did not want to be placed in a group home and instead wanted a home with a mother figure. The G.A.L. recommended to the court that it appoint adversary counsel for D.E. Following an initial hearing on temporary guardianship, the court set the matter for a July 18, 2023, hearing on the petitions for permanent guardianship and protective placement.

Prior to the July 18, 2023 hearing date, the G.A.L. filed a report reflecting that she had met with D.E. several times since the initial hearing and that he did not object to a finding of incompetency, did not object to protective placement, did not object to the G.A.L.’s recommendations for guardianship and protective placement, and was not ambiguous on these matters. Further, the G.A.L. reported that D.E. did not request adversary counsel and waived a jury trial. Finally, the G.A.L. waived D.E.’s appearance at the July 18, 2023 hearing based upon the recommendation of D.E.’s physician, who advised that D.E. “had become increasingly stressed about the court hearing on July 18, 2023” and had suffered two stress-related seizures. In the doctor’s opinion, court hearings were too stressful for D.E. to handle.

A case manager with the Racine County Human Services Department, Jalee Banach, filed a comprehensive evaluation before the hearing date. Banach discussed, among other matters, D.E.’s multiple violent outbursts and suicide attempts in June 2023, which had led to a series of placements in various homes and treatment facilities. Banach also documented D.E.’s statements that “he wants a guardian” and that “he is okay with a protective placement.”

At the court hearing on July 18, 2023, the petitioner and the G.A.L. advised the circuit court that all objections to the petitions for guardianship and protective placement were withdrawn. The G.A.L. also reiterated that D.E. had indicated “on several occasions that he does

want and he does need a guardian,” and the G.A.L. recommended a guardianship and protective placement for D.E. The court then ruled that, upon a review of the record, including Dr. Cohen-Smith’s report and Banach’s evaluation, the court would grant the petitions for guardianship and protective placement.

In the no-merit report, appellate counsel addresses whether the evidence that the circuit court reviewed at the hearing was sufficient to support the court’s orders for guardianship and protective placement. We agree with counsel’s conclusion that the evidence was sufficient. Moreover, in light of D.E.’s withdrawal of objections to both guardianship and protective placement, D.E. has forfeited any objections to the sufficiency of the evidence and to the procedure followed at the hearing. See *Schill v Wisconsin Rapids Sch. Dist.*, 2010 WI 86, ¶45, 327 Wis. 2d 572, 786 N.W.2d 177 (treating an issue not raised to the circuit court as forfeited); *Wyandotte Chems. Corp. v. Royal Elec. Mfg. Co., Inc.*, 66 Wis. 2d 577, 589, 225 N.W.2d 648 (1975) (holding that oral stipulations made on the record and taken down by a court reporter are binding on parties on appeal); see also *V.K. v. D.J.F.*, No. 2024AP2028, unpublished slip op., ¶¶16 & n.3, 23 (WI App Sept. 10, 2025) (concluding that, in cases where there is either no objection to or a stipulation for guardianship or protective placement, testimony and precise findings are unnecessary to support such orders).²

Appellate counsel also discusses the circumstances under which a proposed ward is statutorily entitled to adversary counsel in guardianship proceedings, see WIS. STAT. § 54.42(1), and in protective placement proceedings, see WIS. STAT. § 55.10(4)(a), and appellate counsel

² We cite an unpublished authored opinion for its persuasive value. See WIS. STAT. RULE 809.23(3)(b).

concludes that D.E. was not statutorily entitled to adversary counsel in the proceedings here. This court is satisfied that appellate counsel properly analyzes this issue and correctly concludes that further pursuit of the matter on appeal would lack arguable merit. We will not discuss it further.

Finally, the record shows that the proceedings satisfied statutory deadlines and requirements. D.E. was personally served with a copy of the petitions in conformity with WIS. STAT. § 54.38(1), and WIS. STAT. § 55.09(1). The circuit court promptly appointed a G.A.L. for D.E. See WIS. STAT. §§ 54.40(1), 55.10(4)(b). The hearing on the petitions was held within the required time limits. See WIS. STAT. §§ 54.44(1)(a), 55.10(1). The G.A.L. waived D.E.'s appearance at the hearing on the petitions because D.E.'s physician advised that D.E.'s attendance would pose serious risks to D.E.'s physical and psychological well-being. See §§ 54.44(4)(a), 55.10(2). We discern no issues of arguable merit with respect to the statutory deadlines or to the procedures followed in this case.

Our independent review of the record does not disclose any other potential issues warranting discussion. We conclude that further postdisposition or appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

IT IS ORDERED that the orders for guardianship and protective placement are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Olivia Garman is relieved of further representation of D.E. 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