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DISTRICT II

October 15, 2025

To:

Hon. Timothy D. Boyle
Circuit Court Judge
Electronic Notice

Sarah Maureen Kidd
Electronic Notice

Teresa Hill
Register in Probate
Racine County Courthouse
Electronic Notice

Jill Marie Skwor
Electronic Notice

B.A.

Christine A. Gabron
Electronic Notice

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

2025AP1283-NM

Racine County v. B.A. (L.C. #2024ME60)

Before Lazar, 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).

Counsel for B.A. has filed a no-merit report concluding that there is no arguable basis for challenging orders committing B.A. for mental health treatment pursuant to WIS. STAT. ch. 51 and authorizing involuntary medication and treatment. The no-merit report addresses the sufficiency of the evidence to support the order for involuntary commitment, as well as the sufficiency of the evidence to support the circuit court's determination that B.A. is not competent

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

to refuse psychotropic medication or treatment. B.A. was sent a copy of the report and was advised of her right to file a response. She has not done so. Upon an independent review of the Record as mandated by WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967), this court summarily affirms the orders because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

This court agrees with counsel that there would be no arguable merit to challenge the sufficiency of the evidence to support the commitment order. To obtain a commitment order, Racine County (“County”) had the burden of proving by clear and convincing evidence that (1) B.A. is mentally ill, (2) she is a proper subject for treatment, and (3) she is dangerous to herself or others. *See* WIS. STAT. §§ 51.20(13)(e), 51.20(1)(a).

At the final hearing, the County elicited testimony from a psychiatrist, Dr. Marshall Bales, who testified that B.A. suffers from a mental illness, specifically bipolar disorder with psychotic features, and that B.A. was a proper subject for treatment. Bales also opined that B.A. was dangerous, and there was a substantial probability of physical harm to herself and to others. He explained B.A. was previously suicidal; she was found wandering the hospital, confused, and had been homeless. Further, Bales testified B.A. is a danger to others, as demonstrated by the assault of a staff member. She did not appear capable of caring for her basic needs. She expressed delusions about medical problems (she believed she was internally bleeding and that

her son was being harmed) which were not real, and she refused to pursue the SAIL² program voluntarily.

The circuit court concluded that there was clear and convincing evidence to satisfy each of the factors under WIS. STAT. § 51.20(1)(a). As for dangerousness in particular, the court found the County established by clear and convincing evidence that B.A. was dangerous under the first, second, and fourth standards. *See* WIS. STAT. §§ 51.20(1)(a)2.a., b., and d. As the no-merit report discusses, the Record supports the circuit court's conclusion. There would be no arguable merit to challenge the sufficiency of the evidence to support the commitment order.

The no-merit report also discusses whether there would be any arguable merit to challenging the sufficiency of the evidence to support the circuit court's determination that B.A. is not competent to refuse psychotropic medication or treatment. The County had the burden of proving, by clear and convincing evidence, that B.A. was incompetent to refuse medication. *Outagamie County v. Melanie L.*, 2013 WI 67, ¶37, 349 Wis. 2d 148, 833 N.W.2d 607; *see also* WIS. STAT. § 51.20(13)(e). To meet that burden, the County was required to show that the advantages and disadvantages of and alternatives to accepting the particular medication or treatment had been explained to B.A. and that she was either (1) incapable of expressing an understanding of the advantages and disadvantages of, and the alternatives to, the medication or (2) substantially incapable of applying an understanding of the advantages, disadvantages and alternatives to her mental illness in order to make an informed choice. *See* WIS. STAT.

² Counsel for B.A. explains that SAIL (Stabilization, Assessment, Information, and Linkage) is a short-term, voluntary crisis stabilization facility for Racine County adults experiencing a mental health emergency.

§ 51.61(1)(g)4. The circuit court made findings that all of these requirements had been met, and the Record supports the circuit court's findings. There is no arguable merit to this issue.

In addition to the issues discussed above, this court has independently reviewed the Record and concluded that there are no arguably meritorious issues for appeal.

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

IT IS FURTHER ORDERED that Attorney Jill M. Skwor is relieved of further representing B.A. 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