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DISTRICT IV

December 18, 2025

To:

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Circuit Court Judge
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Register in Probate
Juneau County Justice Center
Electronic Notice

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Electronic Notice

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

2024AP2553	In the matter of the guardianship of J.H.: Juneau County v. M.H. (2024GN24)
2024AP2554	In the matter of the guardianship of K.H.: Juneau County v. M.H. (2024GN25)

Before Graham, P.J., Nashold, and Taylor, JJ.

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).

J.H. and K.H. are adult wards who are the subject of legal guardianship proceedings. In this appeal, M.H., who is one of their guardians, challenges a circuit court order that denied her motion to reopen and vacate orders that transferred the venue of the guardianship proceedings from Juneau County to Marquette County.[1] Based on our review of the briefs and records, we

[1] On our own motion, we consolidated these appeals for briefing and disposition purposes by order dated April 10, 2025.

conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).[2] We affirm.

The guardianship cases were originated in 2000 and 2007 and, as of 2012, both cases were venued in Juneau County.[3] *See* Juneau County Case Nos. 2000GN29 and 2012GN27. At some point, the wards and their guardians relocated their residence to Marquette County.

In April 2024, Marquette County commenced emergency protective placement proceedings over both wards. Shortly thereafter, an adult protective services social worker for Marquette County signed petitions to transfer the venue of the guardianship cases from Juneau County to Marquette County. *See* WIS. STAT. § 54.30(3)(b) (setting forth the procedure for transferring the venue of a guardianship case to a ward's new county of residence).[4] Pursuant to

[2] All references to the Wisconsin Statutes are to the 2023-24 version.

[3] The guardianship of K.H. originated in Waukesha County in 2007 and venue was transferred to Juneau County in 2012.

[4] WISCONSIN STAT. § 54.30(3)(b) provides:

> (b) Change of residence of ward. If a ward changes residence from one county to another county within the state, venue may be transferred to the ward's new county of residence under the following procedure:
>
> 1. An interested person shall file a petition for change of venue in the county in which venue for the guardianship currently lies.
>
> 2. The person filing the petition under subd.1. shall give notice to the corporation counsel of the county in which venue for the guardianship currently lies and to the register in probate and corporation counsel for the county to which change of venue is sought.
>
> 3. If no objection to the change of venue is made within 15 days after the date on which notice is given under subd. 2., the circuit court of the county in which venue for the guardianship currently lies may enter an order changing venue. If objection to the change of venue is made

(continued)

stipulations signed by the corporation counsels for both counties, the Juneau County Circuit Court entered orders that transferred the cases to Marquette County and that ordered the Juneau County Register in Probate to transmit the case files to the Marquette County Register in Probate. These change-in-venue orders, entered on May 3, 2024, and May 13, 2024, were not appealed.

Following the transfers, the Marquette County Circuit Court held various proceedings. These proceedings are not part of the appellate record, and this court does not have access to the electronic filing system that houses the documents that have been filed in the Marquette County cases. However, it is undisputed that the guardians appeared in and participated in the proceedings held by the Marquette County Circuit Court.

Then, on September 20, 2024, one of the guardians, M.H., filed motions in the Juneau County Circuit Court.[5] M.H.'s motions sought to "reopen th[e] case[s] and set aside the order[s] transferring the guardian[ships] … on the grounds [that] venue was unlawfully transferred to Marquette County …." M.H. argued that the change-of-venue orders were "void as a matter of law" because the Marquette County social worker who signed the change-of-placement petitions was not an "interested person" as that term is used in WIS. STAT. § 54.30(3)(b)1.; because

> within 15 days after the date on which notice is given under subd. 2., the circuit court of the county in which venue for the guardianship currently lies shall set a date for a hearing within 7 days after the objection is made and shall give notice of the hearing to the corporation counsel of that county and to the corporation counsel and register in probate of the county to which change of venue is sought.

[5] The motions triggered the opening of new cases in Juneau County that were given new case numbers, 2024GN24 and 2024GN25. At the hearing on the motions, M.H.'s attorney clarified that the motions related to Juneau County Case Nos. 2000GN29 and 2012GN27, but that the attorney was unable to e-file his motion in those cases because they had been transferred to Marquette County.

Marquette County did not send written notices of the change-of-venue petitions to the guardians, and because the Juneau County Circuit Court entered the change-of-venue orders after receiving the stipulations from the counties, without waiting 15 days for an objection under § 54.30(3)(b)3.

The Juneau County Circuit Court held a hearing on M.H.'s motions. The corporation counsel for Marquette County appeared at the hearing and asserted, among other things, that the wards had been receiving services through the Marquette County Human Services Department for several years, that the guardians did not object to venue in Marquette County until after a motion was filed in Marquette County to terminate M.H.'s role as guardian, and that the Marquette County Circuit Court had already heard and rejected M.H.'s arguments about the legality of the change-in-venue orders. The Juneau County Circuit Court commented that M.H. appeared to be "judge shopping," and it denied the motions after determining that the venue was properly transferred to Marquette County in accordance with WIS. STAT. § 54.30(3)(b).

M.H. appeals the orders that denied her motions to reopen and vacate the change-in-venue orders. After reviewing the records on appeal, we issued an order that questioned our jurisdiction over the appeals and directed the parties to address that issue in their briefing. *See* ***Carla B. v. Timothy N.***, 228 Wis. 2d 695, 698, 598 N.W.2d 924 (Ct. App. 1999) (this court has an independent duty to determine its jurisdiction over each appeal).

To the extent that this appeal seeks to challenge the May 2024 change-in-venue orders, we lack appellate jurisdiction because M.H. did not timely appeal those orders, which is "necessary" to give this court jurisdiction. *See* WIS. STAT. RULE 809.10(1)(e). Our conclusion is the same whether the change-in-venue orders are considered final orders that could have been appealed as a matter of right under WIS. STAT. § 808.03(1), or nonfinal orders that could have

been appealed with leave of the court under § 808.03(2), or challenged as part of the appeal for a subsequent final order pursuant to RULE 809.10(4). If, on the one hand, the orders were final, M.H. did not timely appeal them. *See* WIS. STAT. § 808.04 (providing up to 90 days to appeal a final order). If, on the other hand, the orders were nonfinal, M.H. did not timely seek leave to appeal them, *see* WIS. STAT. RULE 809.50(1) (providing a 14-day deadline), nor does she challenge the orders as part of an appeal of a final decision made after the cases were transferred to Marquette County.

However, we do have appellate jurisdiction over the orders denying M.H.'s motions, provided that we construe M.H.'s motions as made under WIS. STAT. § 806.07. Section 806.07(1)(d) provides that a court may, "[o]n motion and upon such terms as are just," relieve a party from a previously entered order if the order "is void."

Here, M.H. argues that the change-of-venue orders are void because the procedure set forth in WIS. STAT. § 54.30(3)(b) was not followed. We reject this argument on the merits for at least two reasons.

First, M.H. does not persuade us that the procedure used to transfer venue to Marquette County violated WIS. STAT. § 54.30(3)(b), which sets forth the change-in-venue procedure.

As noted, WIS. STAT. § 54.30(3)(b)1. provides that "[a]n interested person shall file a petition for change in venue in the county in which venue for the guardianship currently lies." Here, Marquette County was providing services to the wards, and we are not persuaded by M.H.'s argument that the social worker lacked "standing" to sign the petitions, particularly given that the corporation counsels for both counties signed and filed stipulations in which they agreed that a change of venue was appropriate.

Turning to M.H.'s argument about notice, WIS. STAT. § 54.30(3)(b)2. provides that notice shall be given to "the corporation counsel of the county in which venue for the guardianship currently lies and to the register in probate and corporation counsel for the county to which change of venue was sought." The Juneau County Circuit Court found that this provision was followed, and M.H. does not point to any facts that would support a contrary determination. M.H. argues that she was also entitled to notice under WIS. STAT. § 54.38(2), which pertains to notice of "petition[s] for guardianship of the person or of the estate, including appointment or change of a guardian." But § 54.30(3)(b)2. is the more specific statute and, in any event, there is no dispute that M.H. had actual notice that the guardianship proceedings had been transferred to Marquette County.

Finally, although M.H. asserts that the statute imposes a "mandatory 15-day waiting period" after a change-in-venue petition is filed, she does not explain why the court would have to wait to transfer venue when the affected counties stipulated to the change in venue and it was undisputed that the criteria for transferring venue were satisfied. Indeed, no objection to the change-in-venue orders was made until months later, after the Marquette County Circuit Court considered taking certain actions that M.H. opposed.

Second, even if M.H. had identified some violation of WIS. STAT. § 54.30(3)(b) or any related procedural statute, that does not necessarily mean that the subsequent change-in-venue orders are void. *See* ***Neylan v. Vorwald***, 124 Wis. 2d 85, 95, 368 N.W.2d 648 (1985) (addressing some circumstances in which procedural violations render an order void, but providing that there are other circumstances in which orders are not void despite a failure to comply with statutory procedure). Here, M.H. fails to develop an argument that the alleged violations she identifies would render the change-of-venue orders void. *See* ***State v. Pettit***, 171

Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (this court need not address arguments that are not developed by citation to legal authority). Accordingly, M.H. does not persuade us that the circuit court erred when it denied her motion to grant relief from the orders that transferred the venue of the guardianship proceedings to Marquette County.

IT IS ORDERED that the orders are affirmed pursuant to WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals