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DISTRICT I

January 13, 2026

To:

Hon. Thomas J. McAdams
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing Division
Electronic Notice

Faye B. Hipsman
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Michael R. Vescio
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Sharon Chapman
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You are hereby notified that the Court has entered the following opinion and order:

2024AP712 Sharon Chapman v. Milwaukee County Children's Court (L.C. # 2023CV4487)

Before White, C.J., Colón, P.J., and Donald, 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).

Sharon Chapman, pro se, appeals the dismissal of her 42 U.S.C. § 1983 action. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).[1] Upon review, we affirm.

This case stems from a guardianship case involving Chapman's minor granddaughter. Chapman filed this action under 42 U.S.C. § 1983 alleging that numerous defendants involved in the guardianship proceedings violated her constitutional rights and retaliated against her in

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

multiple ways. Defendants Milwaukee County Children's Court, the Honorable Katie B. Kegel, and the Honorable Kashoua Kristy Yang (collectively referred to as "the judicial defendants," unless otherwise specified) and the Legal Aid Society of Milwaukee, guardian *ad litem* Andrew Boden, and guardian *ad litem* Anne M. Abell (collectively referred to as "the GALs," unless otherwise specified) separately filed motions seeking dismissal on grounds that Chapman failed to state a claim upon which relief can be granted.

The circuit court granted both motions following a hearing. This appeal follows.

Whether a plaintiff's complaint failed to state a claim upon which relief may be granted presents a question of law reviewed de novo. ***Data Key Partners v. Permira Advisers LLC***, 2014 WI 86, ¶17, 356 Wis. 2d 665, 849 N.W.2d 693. "A complaint should be dismissed as legally insufficient only if it is quite clear that under no conditions can the plaintiff recover" based on the facts (and inferences) alleged. ***Williams v. Security Sav. & Loan Ass'n***, 120 Wis. 2d 480, 482-83, 355 N.W.2d 370 (Ct. App. 1984). This is such a case.

"To be actionable under [42 U.S.C.] § 1983, the complaint must simply allege that a person acting under the color of state law deprived the plaintiff of a right under federal law or the federal constitution." ***Thorp v. Town of Lebanon***, 2000 WI 60, ¶20, 235 Wis. 2d 610, 612 N.W.2d 59. "'Under color of state law' is defined as a misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law[.]" ***Id.***, ¶19 n.7 (citation modified; citation omitted).

As summed up by the GALs in their brief, they cannot be deemed to have been acting under color of state law because they owe undivided loyalty to the child for whom they are appointed, and they have no significant obligation to the state. *See* ***Meeker v. Kercher***, 782 F.2d

153, 155 (10th Cir. 1986) (explaining that a guardian *ad litem* has no obligation or duty to the state, but undivided loyalty to the minor). The circuit court properly dismissed Chapman's claims against the GALs.

As to the Children's Court, it is not suable under 42 U.S.C. § 1983. Any claim for a violation of federal rights under § 1983 must be brought against a "person."[2] A person for purposes of § 1983 does not encompass states and state agencies. ***Will v. Michigan Dep't of State Police***, 491 U.S. 58, 65-66 (1989); *see* ***Lindas v. Cady***, 150 Wis. 2d 421, 431, 441 N.W.2d 705 (1989) (concluding that an action against DHSS was barred because it was not a person subject to suit under § 1983). The circuit court properly dismissed Chapman's action as to the Children's Court because it is not a person subject to suit under § 1983.

Meanwhile, Chapman's claims against the judicial defendants fail because judges are immune from liability. It is well established that judges of courts possess absolute immunity from liability for judicial acts performed within a judicial capacity. *See* ***Stump v. Sparkman***, 435 U.S. 349, 355 (1978); *see also* ***Ford v. Kenosha Cnty.***, 160 Wis. 2d 485, 498, 466 N.W.2d 646 (1991). Immune judicial acts are all actions "normally performed by a judge[.]" *See* ***Stump***, 435 U.S. at 362. The only way to overcome judicial immunity is to show that a judge has "acted in the clear absence of all jurisdiction." ***Id.*** at 357 (citation modified; citation omitted).

[2] 42 U.S.C. § 1983 provides:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress[.]

Chapman challenges clear-cut judicial acts. She contends that Judge Yang violated her rights by granting a nonfamily member's guardianship petition without giving Chapman an opportunity to contest it; by dismissing her petitions and other filings without allowing her to present supporting arguments; by fining her $250; and by issuing a decision that this court later reversed. Similarly, Chapman challenges Judge Kegel's decisions to grant guardianship of her granddaughter to the nonfamily member. She contends that the judges' actions broke the law, were abusive and fraudulent, and have caused her to endure emotional distress for five years. Chapman additionally asserts that the judicial defendants committed these acts with malintent, malice, and a desire to retaliate.

All of these actions fall squarely within the realm of activities that judges normally perform. *See* ***Stump***, 435 U.S. at 362. It does not matter that Chapman alleges malintent or a desire to break up her family; allegations that judicial acts are motivated by bad faith, malice, or corruption are protected. ***Mireles v. Waco***, 502 U.S. 9, 11, 13 (1991).

Chapman has not shown that the judicial defendants acted in the clear absence of jurisdiction. Consequently, Judges Kegel and Yang are immune from liability, and the claims against them were properly dismissed.

In light of the forgoing conclusions, which are dispositive, we need not address the other bases for affirmance. *See* ***Lamar Cent. Outdoor, LLC v. DHA***, 2019 WI 109, ¶41, 389 Wis. 2d 486, 936 N.W.2d 573 ("An appellate court need not address every issue raised by the parties when one issue is dispositive." (citation omitted)). To the extent we have not specifically addressed or analyzed all of Chapman's claims, we deem them undeveloped or improperly raised for the first time on appeal. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App.

1992) (explaining that we may decline to review arguments inadequately briefed, not reflecting legal argument, or unsupported by references to legal authority); *see also* ***Northbrook Wis., LLC v. City of Niagara***, 2014 WI App 22, ¶20, 352 Wis. 2d 657, 843 N.W.2d 851 ("Arguments raised for the first time on appeal are generally deemed forfeited.").

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* 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