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**DISTRICT II**

May 20, 2026

To:

Hon. Michael D. Rust  
Circuit Court Judge  
Electronic Notice

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Electronic Notice

Sara Henke  
Register in Probate  
Winnebago County Courthouse  
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Sara Elizabeth Stertz  
Electronic Notice

Katie R. York  
Electronic Notice

C.H.

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

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2026AP78-NM

Winnebago County v. C.H. (L.C. #2023GN130)

Before Neubauer, P.J., Grogan, and Lazar, 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).**

C.H. appeals an order continuing his protective placement under WIS. STAT. ch. 55 (2023-24).<sup>1</sup> C.H.'s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). C.H. was advised of his right to respond and has not responded. After reviewing the Record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the order. *See* WIS. STAT. RULE 809.21.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

C.H. has been the subject of guardianship and protective placement orders since January 19, 2024. Protective placements are subject to annual review pursuant to WIS. STAT. § 55.18. When the individual contests the protective placement, a full due process hearing is required. Sec. 55.18(3)(d). To order the continuation of a protective placement, a circuit court must conclude, based on clear and convincing evidence, that the individual continues to meet the standards under WIS. STAT. § 55.08(1). WIS. STAT. §§ 55.18(3)(e), 55.10(4)(d).

On December 2, 2024, Winnebago County filed its petition for annual review of C.H.'s protective placement, along with its annual protective placement review report. The review report noted that C.H. continued to meet the standards under WIS. STAT. § 55.08(1), and his protective placement was in the least restrictive environment. The review report listed a host of C.H.'s physical and mental conditions, as well as a long list of C.H.'s medications. C.H. was currently residing in a community-based residential facility. The report stated C.H. required assistance with his instrumental activities of daily living, including medication administration, medication monitoring, meal preparation, housekeeping, diabetes management, and laundry. He also exhibited impairments with verbal fluency and severe impairments with memory, reasoning, judgment, and initiation.

The circuit court appointed a guardian ad litem ("GAL") for C.H. On January 15, 2025, the GAL filed her report requesting adversary counsel for C.H. and a full due process hearing. The court ordered the appointment of adversary counsel, and it also ordered an independent medical examiner to examine C.H. Dr. Megan Thumann, Psy.D., interviewed C.H. and filed an examining psychologist's report.

A due process hearing was held on April 25, 2025. C.H. appeared in person with his adversary counsel. Thumann testified at the hearing and her report was admitted into evidence. Specifically, Thumann testified C.H. was incapacitated and had declined since his last examination in terms of his cognitive ability and his adaptive functioning. He also demonstrated impairments on neurocognitive screenings. Thumann opined that C.H.'s neurocognitive disorder was primary and resulted in permanent incapacity and a primary need for residential care and custody. She acknowledged that C.H. would prefer to live in his own apartment; however, she believed it would be difficult for him to live in an independent setting without any supervision because his impairments in judgment made it difficult for him to keep himself safe. Thumann highlighted C.H.'s toe amputations (caused from stepping on a lightbulb and not seeking care), his confusion, his disorientation, and his unwillingness to receive help. Thumann believed C.H.'s current placement was the least restrictive.

C.H. also testified. C.H. explained that he wanted to move back to his own apartment because the people were friendlier, he could do his own cooking, and he could have more freedom. He stated he was able to do some activities at his residential facility such as cleaning the dining room and taking out the garbage.

The circuit court determined C.H. continued to meet the standards for protective placement. The court found that based on the evidence presented C.H. had a primary need for residential care and custody, he had a permanent disability as a result of a degenerative brain disorder and serious and persistent mental illness, and the least restrictive facility was his current placement, which provided 24-hour supervision. This no-merit appeal follows.

The no-merit report addresses whether the evidence was sufficient to support the circuit court's order continuing protective placement. Upon reviewing the Record, we agree with counsel's analysis and conclusion that there was sufficient evidence to support the court's continued protective placement order. The evidence established C.H. had a primary need for residential care and custody, he had a permanent degenerative brain disorder and serious and persistent mental illness, and the least restrictive environment for C.H. was in the facility where he was currently residing. *See* WIS. STAT. §§ 55.18(3)(e), 55.08(1), 55.12(3)-(5).

As for the statutory deadlines and procedural requirements, counsel observes that the statutory and procedural requirements were complied with except the County's petition for annual review and its report were filed one day late, and the GAL's report was filed fifteen days late. *See* WIS. STAT. § 55.18(1)(a) (Petitions for annual review and report shall be filed "[n]ot later than the first day of the 11th month after the initial order is made for protective placement for an individual."); § 55.18(2)(f) (GAL report due thirty days after court appointment). However, we agree with counsel's analysis that there is no meritorious argument that the court lost competency due to these late filings. *See Department on Aging v. J.J.*, 2026 WI App 13, ¶29, \_\_\_ Wis. 2d \_\_\_, 33 N.W.3d 565 (holding "the time period to file the annual petition and report under WIS. STAT. § 55.18(1)(a) is directory, and therefore, the circuit court did not lose its competency to proceed with the annual review when the County filed the petition and report four days late"). We discern no issues of arguable merit with respect to the statutory deadlines or the procedures used in this case.

Our independent review of the Record discloses no other potential issues of arguable merit. Therefore,

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

IT IS FURTHER ORDERED that Attorney Katie R. York is relieved of further representing C.H. in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*