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**DISTRICT II**

November 1, 2023

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Todd Woodward  
Electronic Notice

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

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2021AP1151

Todd Woodward v. ANS Guardianship Services  
(L.C. #2017GN237)

Before Gundrum, 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).**

Todd Woodward appeals pro se from an order on his petition to review the conduct of ANS Guardianship Services (“ANS”). Woodward had sought relief against ANS for alleged wrongdoing against its former ward, L.M.W. 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 (2021-22).<sup>1</sup> We affirm.

L.M.W. is a fifty-seven-year-old woman who suffers from alcohol-related dementia. She has been under a protective placement order since 2018. ANS was her appointed guardian. Woodward was her boyfriend.

On July 30, 2020, Woodward, acting on L.M.W.'s behalf, filed a petition to review the conduct of ANS. Woodward accused ANS of neglecting L.M.W. and failing to act in her best interests.

The circuit court initially scheduled a hearing for August 5, 2020. It then rescheduled the hearing for September 21, 2020. Woodward did not appear. Accordingly, the court indicated that the guardianship issue would be heard at a later time.

Eventually, on May 14, 2021, the circuit court held a hearing on Woodward's petition. By then, ANS had already resigned as L.M.W.'s guardian, and Woodward and L.M.W.'s father were appointed as her co-guardians. Nonetheless, the court conducted the hearing anyway, receiving testimony from multiple witnesses. At the conclusion of the hearing, the court determined that ANS had not neglected L.M.W. or failed to act in her best interests. It therefore declined to award Woodward the relief he was seeking, which included punitive damages. This appeal follows.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

On appeal, Woodward contends that the circuit court erred in resolving his petition. His arguments are difficult to follow; however, he appears to take issue with: (1) the circuit court not requiring counsel for L.M.W. at the hearing on the petition; (2) the lateness in considering the petition; and (3) the court's denial of his requested relief, which included punitive damages. We address each one in turn.

With respect to Woodward's first complaint, it is true that the circuit court did not require counsel for L.M.W. at the hearing on the petition. In making its decision, the court noted that while a ward "may" retain legal counsel under the relevant statute,<sup>2</sup> there was no requirement to do so. The court further noted that when asked about the subject, L.M.W. "indicated she does not need counsel present[.]" Finally, the court noted the appearances of L.M.W.'s guardian ad litem and co-guardians, who could represent her best interests and speak on her behalf. Given these facts, as well as the nature of the hearing, we perceive no error in the circuit court's decision to go forward without counsel for L.M.W.

With respect to Woodward's second complaint, all parties acknowledge that his petition was not heard within the timeframe prescribed by statute. WISCONSIN STAT. § 54.68(3) requires a circuit court to hold a hearing on a petition to review the conduct of a guardian "not less than 10, nor more than 60, days[.]" Again, Woodward's petition was filed on July 30, 2020, so the court should have heard it between August 10, 2020, and September 28, 2020. Although the court tried to hear it on September 21, 2020, Woodward did not appear at the hearing.

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<sup>2</sup> WISCONSIN STAT. § 54.68 is titled "Review of conduct of guardian" and provides that a ward who is petitioning for relief "may retain legal counsel, the selection of whom is subject to court approval[.]" WIS. STAT. § 54.68(6)(b).

Woodward later indicated that this was due to a lack of notice—a reason the circuit court accepted as true. Under these circumstances, the court reasonably concluded that it was better to proceed with a late hearing than no hearing at all. In any event, there is no indication that the delay in the hearing affected the outcome of the petition.

Finally, with respect to Woodward’s third complaint, we are not persuaded that the circuit court erred in denying his requested relief, which included punitive damages. At the hearing, the court received testimony from multiple witnesses, including L.M.W., her father, Woodward, an ANS supervisor, a Racine County adult protective services case worker, and a state grievance examiner. After carefully considering this testimony, the court determined that much of the parties’ conflict stemmed from restrictions due to the COVID-19 pandemic and a breakdown in communication due to Woodward’s prior status as a nonguardian.<sup>3</sup> In the end, the court was not convinced that ANS had neglected L.M.W. or failed to act in her best interests. Therefore, it could not find a basis for the relief sought by Woodward. Because the Record supports the court’s decision, we will not disturb it.<sup>4</sup>

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<sup>3</sup> The circuit court explained:

Because he was not her guardian, Mr. Woodward was not able to get access to some of the things that were going on for the benefit of [L.M.W.]. The communication breakdown was not the result of any intentional action on the part of anyone at ANS, but rather because ANS could not under the law provide certain kinds of information to Mr. Woodward because he did not have the proper legal status to get that information.

<sup>4</sup> To the extent we have not addressed an argument raised by Woodward on appeal, the argument is deemed rejected. See *State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).

Upon the foregoing reasons,

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

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*