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DISTRICT I

January 7, 2025

To:

Hon. Patrice A. Baker
Circuit Court Commissioner
Electronic Notice

Robert Rondini
Register in Probate
Milwaukee County Courthouse
Electronic Notice

Rachel Lauren Ebert
Electronic Notice

David Markus
Electronic Notice
Alan Polan
Electronic Notice

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

2024AP1555

In the matter of the mental commitment of W.G.: Milwaukee
County v. W.G. (L.C. # 2023ME768)

Before Donald, P.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).

Wendy appeals from an order of the circuit court involuntarily committing her pursuant to WIS. STAT. ch. 51.² Upon review of the parties' submissions and the record, this court will

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

² This court refers to W.G. by the pseudonym she uses in her brief.

summarily reverse Wendy's involuntary commitment order and the associated involuntary medication and treatment order pursuant to WIS. STAT. § 809.21(1).³

On August 1, 2023, Winnebago County filed a statement of emergency detention concerning Wendy. Winnebago County found probable cause to commit Wendy, and transferred venue to Milwaukee County.

A final commitment hearing took place on August 18, 2023 in the Milwaukee County Circuit Court. In an oral ruling, the circuit court granted Milwaukee County's request for a six-month commitment. The court found that Wendy was mentally ill, a proper subject for treatment, and dangerous. The court did not identify which specific subdivision paragraph of WIS. STAT. § 51.20(1)(a)2. that it was basing its finding of dangerousness on. Moreover, the court's ruling did not track the necessary elements of any particular subdivision and explain how the evidence satisfied each of the elements.

Following the oral ruling, the circuit court entered a written order of commitment. Although the order included a list of boxes corresponding to the various subdivisions of WIS. STAT. § 51.20(1)(a)2., the court failed to check any of the boxes identifying the particular subdivision on which its finding of dangerousness was based.

Subsequently, Milwaukee County moved the circuit court for an involuntary medication and treatment order. Following a hearing on the motion, the court entered an order for involuntary medication and treatment.

³ An order for involuntary medication and treatment requires the existence of a valid commitment order. *See* WIS. STAT. § 51.61(1)(g)3. & 3m. Thus, the reversal of the commitment order requires the reversal of the associated medication order.

In Wendy's appellate brief she argues that the circuit court failed to make specific factual findings and identify which standard of dangerousness applied under WIS. STAT. § 51.20(1)(a)2. as required by *Langlade Cnty. v. D.J.W.*, 2020 WI 41, ¶40, 391 Wis. 2d 231, 942 N.W.2d 277.⁴ Additionally, she argues that the evidence was insufficient to support the commitment order. Thus, Wendy requests reversal of the involuntary commitment order and the associated involuntary medication and treatment order.

In lieu of a response brief, Milwaukee County filed a letter advising this court that it does not oppose the relief Wendy seeks. Based upon this court's review of the record and the County's concession, this court agrees that the circuit court failed to comply with *D.J.W.* and reverses the commitment order and the associated involuntary medication order.⁵

Therefore,

⁴ *Langlade Cnty. v. D.J.W.*, 2020 WI 41, ¶40, 391 Wis. 2d 231, 942 N.W.2d 277, concerned a recommitment order, but this court has applied *D.J.W.*'s holding equally to initial commitment appeals. *See Winnebago Cnty. v. T.S.*, No. 2023AP1267, unpublished slip op. ¶16 n.3 (WI App Mar. 6, 2024) (collecting cases). Unpublished opinions authored by a single judge, issued on or after July 1, 2009, may be cited for their persuasive value. WIS. STAT. RULE 809.23(3)(b).

⁵ Because this court reverses based on *D.J.W.*, this court does not address whether the evidence was sufficient. *See State v. Blalock*, 150 Wis. 2d 688, 703, 442 N.W.2d 514 (Ct. App. 1989) ("[C]ases should be decided on the narrowest possible ground[.]").

IT IS ORDERED that the orders of the circuit court are summarily reversed 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*