



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT II

February 26, 2025

To:

Hon. Cody J. Horlacher
Circuit Court Judge
Electronic Notice

Zachary M. Bosch
Electronic Notice

Paul Nowakowski
Register in Probate
Waukesha County Courthouse
Electronic Notice

Christopher D. Sobiech
Electronic Notice

J.L.

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

2024AP2211-NM

Waukesha County v. J.L. (L.C. #2023GN159)

Before Neubauer, 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).

J.L. appeals orders for guardianship and protective placement. *See* WIS. STAT. chs. 54 and 55 (2021-22).¹ J.L.'s appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). J.L. 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 orders. *See* WIS. STAT. RULE 809.21.

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

In October 2023, the Waukesha County Department of Health and Human Services petitioned for guardianship and protective placement of J.L. An examining doctor's report filed with the petitions explained J.L., who was sixty-four years old, suffered from a permanent condition called "Wernicke encephalopathy," which impaired her memory, insight, and reasoning. The condition also caused her to be incapable of appraising risk or making a plan. The doctor opined that J.L.'s impairment interfered with her ability to: receive and evaluate information; use information in a decision process; protect herself from abuse, exploitation, neglect, or rights violation; meet essential requirements of her health and safety; manage her property and financial affairs; address the risk of her property being dissipated; provide for her own support; and prevent financial exploitation. The doctor also opined that less restrictive interventions, such as training, education, support services, assistive devices, advanced planning, or a representative payee, would not eliminate the need for a guardianship.

A social worker filed a comprehensive evaluation in support of the petitions. The social worker's report explained J.L. was brought to the hospital after she was found lying in her home in her own feces and urine, displaying confusion, and unable to stand. According to J.L.'s roommate, J.L. had only been sleeping and drinking alcohol for the two-week period prior to her hospital admission. Testing at the hospital revealed significant deficits in J.L.'s orientation, memory, reasoning, insight, and judgment, and doctors diagnosed her with Wernicke Korsakoff encephalopathy. According to the social worker, this condition is permanent, and it rendered J.L. unable to care for her own needs. The social worker further noted that J.L.'s cognitive issues were apparent when having a discussion with J.L. because she was "not oriented to time and place, is not understanding of why she was in the hospital and has a hard time accepting

when people explain her situation to her.” She was also unable to remember large parts of her life, especially recent activities.

J.L., through her guardian ad litem, objected to the petitions for guardianship and protective placement. Adversary counsel was appointed to represent J.L. A court trial was conducted, at which the parties stipulated to the information in the examining doctor’s and the social worker’s reports. The circuit court admitted the reports into evidence. Based on the information in those reports, the court appointed a guardian and protectively placed J.L.

The no-merit report addresses whether the evidence was sufficient to support the circuit court’s finding of incompetence and the elements necessary for guardianship and protective placement pursuant to WIS. STAT. §§ 54.10(3) and 55.08(1). Upon reviewing the Record, we agree with counsel’s analysis and conclusion that there was sufficient evidence to support the circuit court’s guardianship and protective placement orders.

As for the statutory deadlines and procedural requirements, J.L. was personally served with a copy of the petitions. The circuit court appointed a GAL and advocacy counsel for J.L. The court trial was held within the required time limits. *See* WIS. STAT. §§ 54.44(1) and 55.10(1). The GAL waived J.L.’s appearance at the trial because J.L. advised she did not wish to attend. *See* §§ 54.44(4)(a), 55.10(2). 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 orders of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christopher D. Sobic is relieved of further representing J.L. in this matter.

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

Samuel A. Christensen
Clerk of Court of Appeals