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DISTRICT IV

May 30, 2025

To:

Hon. Lyndsey A. B. Brunette
Circuit Court Judge
Electronic Notice

Jeremy Newman
Electronic Notice

Kim Bredlau
Register in Probate
Clark County Courthouse
Electronic Notice

Ashley M. Schmitt
Electronic Notice

R.H.

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

2023AP1686-NM

In the matter of the guardianship and protective placement of R.H.:
Clark County Department of Social Services v. R.H.
(L.C. # 2022GN14P)

Before Blanchard, Graham, and Nashold, 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).

Counsel for R.H. has filed a no-merit report concluding that there would be no arguable merit to any challenge to the guardianship and protective placement orders for R.H. that were issued pursuant to WIS. STAT. chs. 54 and 55 (2023-24).¹ R.H. has not filed a response. In response to a prior order of this court, counsel has filed a supplemental no-merit report. On our review of the no-merit report and supplemental no-merit report, as well as our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT.

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

RULE 809.32, we conclude that there are no issues of arguable merit to pursue. Accordingly, the orders for guardianship and protective placement are summarily affirmed. *See* WIS. STAT. RULE 809.21.

In September 2022, the Clark County Department of Social Services filed a statement of emergency protective placement and petitions for protective placement and guardianship for R.H. According to the petitions and supporting material, R.H., who was then seventy-seven years old, had multiple recent episodes of wandering the streets and disorderly conduct; had fallen numerous times, resulting in a head injury with bleeding in his brain; had been diagnosed with mild to moderate cognitive dysfunction; and had exhibited confusion and disorientation.

On September 16, 2022, a court commissioner held a probable cause hearing and ordered the emergency protective placement and temporary guardianship. The final protective placement hearing was scheduled for October 12, 2022. *See* WIS. STAT. § 55.135(5) (providing that “the court may order temporary protective placement up to 30 days pending the hearing for a permanent protective placement”).

At the October 12, 2022 hearing, R.H.’s counsel requested an adjournment to allow R.H. to exercise his right to an independent evaluation. *See* WIS. STAT. § 55.10(4)(e) (providing that “[t]he individual sought to be protected has the right to secure an independent evaluation”). The circuit court denied the request to adjourn the hearing on the ground that WIS. STAT. § 55.135 requires that such a hearing be held within thirty days or the court loses competency to proceed on the petition. *See N.N. v. County of Dane*, 140 Wis. 2d 64, 69, 409 N.W.2d 388 (Ct. App. 1987) (holding that the circuit court lacks authority to extend the thirty days for the final hearing or to extend the temporary placement beyond that time).

The County presented testimony by the evaluating psychologist and the social worker assigned to R.H. consistent with the allegations in the petitions. Based on their testimony, the circuit court found that R.H. was in need of guardianship of his person and estate and protective placement in a locked setting.

The no-merit report addresses whether the circuit court erred by denying R.H.'s request to adjourn the hearing, whether trial counsel was ineffective in connection with the request for an independent evaluation, and whether there was sufficient evidence to support the court's guardianship and protective placement orders. The report gives a thorough analysis and summary of the proceedings and the hearing testimony. This court is satisfied that the no-merit report properly analyzes the issues it raises as without arguable merit, and this court will not discuss them further.² Our independent review of the record discloses no other potential issues of arguable merit.

Therefore,

IT IS ORDERED that the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

² By prior order, this court directed no-merit counsel to address further whether there would be arguable merit to a claim that R.H.'s original and successor trial counsel were ineffective by failing to obtain an independent evaluation. Appointed counsel has filed a supplemental no-merit concluding that, based on his further investigation, there is no factual basis to support a claim of ineffective assistance of counsel. We accept counsel's assessment and analysis in the supplemental no-merit report and do not address this issue further.

IT IS FURTHER ORDERED that Attorney Jeremy Newman is relieved of further representation of R.H. in this matter.

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

Samuel A. Christensen
Clerk of Court of Appeals