

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 17, 2011

A. John Voelker
Acting Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2010AP2444

Cir. Ct. No. 2000GN10

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

**IN THE MATTER OF THE GUARDIANSHIP AND PROTECTIVE PLACEMENT OF
DONALD G.:**

ROCK COUNTY,

PETITIONER-RESPONDENT,

V.

DONALD G.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Rock County:
DANIEL T. DILLON, Judge. *Affirmed.*

¶1 SHERMAN, J.¹ Donald G. appeals an order of the circuit court continuing his protective placement at Mendota Mental Health Institute (Mendota) under WIS. STAT. ch. 55. Donald G. contends the court's order was improper because it failed to state that his placement at Mendota would no longer be appropriate if Donald G.'s concurrent WIS. STAT. ch. 51 commitment ceased. We disagree and affirm.

DISCUSSION

¶2 Donald has been institutionalized under both a WIS. STAT. ch. 51 commitment and a WIS. STAT. § 55.12 protective placement order since 2000. In February 2010, the circuit court conducted an annual review of Donald's protective placement, as required by WIS. STAT. § 55.18, and concluded that Donald continued to meet the requirements of WIS. STAT. § 55.08(1). At the time, Donald was institutionalized at Mendota and the court continued his placement at that facility.

¶3 Donald G. agrees that he met the criteria for continued placement under WIS. STAT. § 55.08, and that in light of both his WIS. STAT. ch. 51 commitment and WIS. STAT. ch. 55 protective placement, his "placement at Mendota [was] appropriate." Nevertheless, he contends that the court's order was improper because it failed to "clarify that in the event that [his] [c]hapter 51 commitment ends, his continued placement at Mendota" would be improper under solely a WIS. STAT. § 55.12 protective placement order because § 55.12(2) does not allow for protective placements to be made to "unit[s] for the acutely mentally

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2009-10). All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

ill.” The State agrees that if Donald’s chapter 51 commitment order “terminates or recommends a less restrictive placement, then Donald [] will no longer be able to remain at Mendota.” It maintains, however, that the court’s order was appropriate as issued.

¶4 WISCONSIN STAT. § 55.18(3)(e)(1) provides that:

[i]f the court finds that the individual continues to meet the standards under s. 55.08(1) and the protective placement of the individual is in the least restrictive environment that is consistent with the requirements of s. 55.12(3), (4), and (5), the court shall order the continuation of the protective placement in the facility in which the individual resides at the time of the hearing.

There is no dispute that the circuit court’s order complied with § 55.18(3)(e)(1). Donald does not cite this court to any legal authority providing that a circuit court is obligated to go beyond the requirements of this section and address hypothetical scenarios in its order continuing protective placement. We do not consider arguments unsupported by citation to authority. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992).

¶5 Accordingly, we affirm the order of the circuit court.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

