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DISTRICT II

November 22, 2023

To:

Hon. Michael Gibbs
Circuit Court Judge
Electronic Notice

Kathilynne Grotelueschen
Electronic Notice

Sara Henke
Register in Probate
Winnebago County Courthouse
Electronic Notice

Catherine B. Scherer
Electronic Notice

S.K.H.

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

2023AP1145-NM

In the matter of the mental commitment of S.K.H.: Winnebago
County v. S.K.H. (L.C. #2023ME13)

Before Grogan, 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).

S.K.H. appeals from orders extending her involuntary commitment under WIS. STAT. § 51.20 and authorizing the involuntary administration of medication and treatment pursuant to WIS. STAT. § 51.61(1)(g)4. Appellate counsel, Kathilynne A. Grotelueschen, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. S.K.H. was advised of her right to file a response and has responded. Upon consideration of the no-merit report, the response, and an independent review of the Record as mandated by *Anders*

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.

and RULE 809.32, we summarily affirm the circuit court's orders because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

According to the facts in the record, S.K.H. had been committed under WIS. STAT. ch. 51 from August 3, 2004, until May 29, 2020, when her commitment ended. However, on August 18, 2022, S.K.H. was again placed under an original six-month ch. 51 commitment with an involuntary medication and treatment order. The August 2022 commitment followed an incident involving S.K.H.'s sister and niece in which S.K.H. chased her sister and vandalized her niece's car.

On January 18, 2023, Winnebago County filed a petition for recommitment and for involuntary medication and treatment. S.K.H. opposed the petition. At a hearing, Dr. Michael Vicente and S.K.H.'s sister testified in favor of the petition. S.K.H. testified in opposition to the commitment. The circuit court entered orders extending S.K.H.'s commitment on an outpatient basis with conditions and authorizing involuntary medication and treatment during the period of commitment.

The no-merit report addresses whether the County met its burden to support both the order extending S.K.H.'s commitment and the order for involuntary medication and treatment. As to each order, the County had the burden of proof to satisfy the requisite criteria by clear and convincing evidence. *See Langlade County v. D.J.W.*, 2020 WI 41, ¶23, 391 Wis. 2d 231, 942 N.W.2d 277; *Outagamie County v. Melanie L.*, 2013 WI 67, ¶37, 349 Wis. 2d 148, 833 N.W.2d 607. Without reciting all of the evidence here, we agree with counsel that it would be frivolous to argue that the evidence was insufficient as to either order. Dr. Vicente's testimony provided sufficient evidence to support each of the court's orders.

In *D.J.W.*, our supreme court held that “going forward circuit courts in recommitment proceedings are to make specific factual findings with reference to the subdivision paragraph of [WIS. STAT.] § 51.20(1)(a)2. on which the recommitment is based.” See *D.J.W.*, 391 Wis. 2d 231, ¶40. The circuit court made the required findings here, and it would be frivolous to argue otherwise.

In her response, S.K.H. refutes Dr. Vicente’s testimony and maintains that she does not have a mental illness. The Record does not support her arguments. Our review of the appellate Record does not disclose any potentially meritorious issue for appeal. This court therefore accepts the no-merit report.

Based upon the foregoing,

IT IS ORDERED that the orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that Attorney Kathilynne A. Grotelueschen is relieved of further representation of S.K.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