



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](http://www.wicourts.gov)

**DISTRICT IV**

March 30, 2016

To:

Hon. Michael J. Rosborough  
Circuit Court Judge  
Vernon County Courthouse  
400 Courthouse Square, Ste. 115  
Viroqua, WI 54665

Sue Amundson  
Register in Probate  
Suite 115  
400 Courthouse Square  
Viroqua, WI 54665

Kara M. Burgos  
Moen, Sheehan, Meyer, Ltd.  
P.O. Box 786  
La Crosse, WI 54602-0786

Stephanie M. Hopkins  
Law Offices of Hopkins & Hopkins LLP  
P.O. Box 467  
Viroqua, WI 54665-0467

James P. Kerney  
Kerney Law Office  
P.O. Box 26  
La Crosse, WI 54602-0026

Julie M.

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

---

2014AP2877

In the matter of the guardianship of C.K.:  
Julie M. v. Vernon County (L.C. #2004GN28)

Before Kloppenburg, P.J., Lundsten and Higginbotham, JJ.

Julie M., pro se, appeals orders (1) granting a petition for review of conduct of guardian and removing Julie M. as guardian, (2) granting a petition for successor guardian, and (3) dismissing a petition for modification of protective placement. Based upon our review of the

briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21.<sup>1</sup> We summarily affirm.

On October 5, 2004, Julie was appointed guardian of the person and the estate of her son C.K., who had a lengthy history of involvement in the mental health system. On January 12, 2009, C.K. was discharged to live with his mother, but was taken on an emergency detention to Mendota Mental Health Institute on April 24, 2011. On June 6, 2011, he was admitted to Gunderson Lutheran on an emergency detention, and was subsequently committed to Vernon County for six months. C.K. was discharged to placement at Sherry House, a community-based residential facility, but was returned to Gunderson Lutheran the same day. After a brief stay at Gunderson Lutheran, he was discharged to the Trempealeau County Health Care Center.

After this latter placement at Trempealeau County Health, a protective placement order was entered on July 5, 2011. This placement remained for two years. C.K. was thereafter placed at Winnebago Mental Health Institute under a WIS. STAT. ch. 51 commitment. An adult home placement was secured for C.K. upon his release from Winnebago, and he moved into the Calvin Winchel Adult Family Home on July 15, 2013.

On July 8, 2014, the circuit court held a hearing and continued the protective placement order at Calvin Winchel for the following year. On September 2, 2014, Julie filed a petition for modification of the order for protective placement, requesting termination of the protective placement order and seeking C.K.'s return to her home. Vernon County filed a petition for review of conduct of guardian, together with a petition for appointment of successor guardian,

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

based upon allegations of financial improprieties. All three petitions were noticed to be heard on October 7, 2014.

At the hearing on October 7, 2014, the circuit court granted a continuance due to lack of time to adequately hear the matters. Julie indicated that she required at least two weeks “to get her [financial] information together,” and the matter was rescheduled for October 17. At the October 17 hearing, the County advised the court that Julie was refusing to provide requested financial information. Julie responded, “I have the information.” However, the court noted that the ward’s attorney was not present, and the matter was “set ... over again because we can’t proceed without advocate counsel.”

At the continuation of the hearing on November 4, 2014, the County advised the court as follows:

Your Honor, if you recall we were in court last month. The County ... indicated in a petition to review conduct that we believe there were financial improprieties. The court at that time ordered [Julie] to turn over what financial information she had. We reviewed that information and based on that review it was turned over to the Sheriff’s Department. I was called into a meeting with the district attorney and the sheriff’s investigator last week. The district attorney informed me that he will be filing a felony or felony charges for misappropriation of the ward’s funds based on that financial information.

The guardian ad litem for the ward opined at the hearing that Julie should be removed as financial guardian, and stated as follows:

I think the financial records were pretty clear and, you know, I’ve spoken to Julie about them. I believe that she should be removed as the financial guardian. I think the guardian of the person is also at issue right now as well.

The guardian ad litem further stated that she believed Julie “should always have involvement with [C.K.] because she’s his mom and they love each other and should have contact with one another.” The guardian ad litem observed that “not being the guardian doesn’t prevent [such contact].”

The circuit court then indicated:

The problem now is now the corp[oration] counsel is telling me that you’re facing felony criminal prosecution and it’s really not in your best interests—I’m not going to ask you to ... testify under oath by any means—and it’s not in your best interests, frankly, to even say anything at this point. But if you want to say something, have at it. Because it could be used against you later, whatever you say here today is going on the record, it’s being recorded by the—taken down by the court reporter. So the best thing you could do is get an attorney at this point.

C.K.’s counsel advised the court that “I believe that she has an attorney lined up,” and that Julie had spoken with an attorney to represent her, although she did not have legal representation on that date. The court noted that the attorney could “follow up here if she’s hired and she can follow up in this guardianship as well, if there’s grounds to review the issue of who should be the guardian.”

At the conclusion of the hearings, the circuit court granted the petition for successor guardian and dismissed Julie’s petition to modify protective placement. The court held that Julie had failed to act in the best interests of the ward, finding that she “failed to provide adequately for the personal needs of the ward from the ward’s available assets and income, including any available public benefits.” *See* WIS. STAT. § 54.68(2)(e) & (g). Julie now appeals.

Julie requests reinstatement as guardian and removal of the protective order. The majority of Julie’s briefing on appeal contends that the circuit court failed to appreciate facts that

support her position. However, Julie's arguments are insufficiently developed factually and are deficient in legal analysis. This court will not develop arguments for Julie. See *M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988). Moreover, her arguments lack adequate citation to the record on appeal as required by WIS. STAT. RULE 809.19(1)(e). We generally decline to search the record for evidence to support a party's argument. See *Stuart v. Weisflog's Showroom Gallery, Inc.*, 2006 WI App 109, ¶36, 293 Wis. 2d 668, 721 N.W.2d 127. Julie's appendix also violates RULE 809.19(2), which provides that an appellant's brief shall include a short appendix containing, at a minimum, the findings or opinions of the circuit court, including oral or written rulings or decisions showing the circuit court's reasoning regarding the issues.

To the extent Julie might be arguing that she unfairly lacked notice that the circuit court might take "away my guardianship at what was supposed to be an intake hearing to schedule a guardianship hearing," we reject the argument. The circuit court appropriately noticed all three petitions to be heard on October 7—including Julie's petition for termination of protective placement, as well as the County's petitions for review of conduct of guardian and appointment of successor guardian. In any event, the court continued the October 7 hearing over two subsequent dates spanning a one-month time period. Julie had plenty of warning of what the hearings would entail.

We also note that, at the initial October 7 hearing, the circuit court indicated that "apparently there's a request to adjourn [the hearing]." C.K.'s attorney stated that Julie "has indicated she needs more time to get her financial materials put together." When asked how much time the parties requested, the County represented to the court that Julie "indicated at least two weeks to get her information together." Julie did not object when the court proposed

October 17 as the date for the continued hearing and, therefore, she has forfeited any objection on appeal. *See Schinner v. Schinner*, 143 Wis. 2d 81, 94 n.5, 420 N.W.2d 381 (Ct. App. 1988). The court subsequently adjourned the hearing on yet another occasion to November 4, again without objection. Accordingly, we reject Julie’s notice argument.

Julie also insists that she “did not get to have an attorney to represent me and my son [C.K].” However, C.K. was represented throughout the proceedings by counsel. Indeed, the circuit court specifically adjourned the October 17, 2014 hearing due to the absence of C.K.’s attorney at the hearing “because we can’t proceed without advocate counsel.” Moreover, a guardian ad litem appeared for the ward and directly participated in the hearings. We have otherwise been provided no indication that the court in any way prevented Julie from obtaining legal representation to represent her interests.

Ultimately, we can discern no justification from Julie’s briefs for reversing the circuit court’s orders.

THEREFORE,

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

---

*Diane M. Fremgen*  
*Clerk of Court of Appeals*