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**DISTRICT III**

November 5, 2019

To:

Hon. Gregory B. Huber  
Circuit Court Judge  
Marathon County Courthouse  
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Wausau, WI 54403

Sherry Gayken  
Juvenile Clerk  
Marathon County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2018AP1023-NM          Marathon County v. C. P. (L. C. No. 2015JM43)

Before Stark, P.J.<sup>1</sup>

Counsel for Cindy<sup>2</sup> has filed a no-merit report concluding there is no arguable basis for challenging either the order extending Cindy's WIS. STAT. ch. 51 mental health commitment or the order for involuntary medication and treatment. Cindy was advised of her right to respond to the report and has not responded. Upon an independent review of the record as mandated by

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2017-18). All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

<sup>2</sup> Pursuant to the policy underlying WIS. STAT. RULE 809.81(8), we use a pseudonym instead of the party's name in this confidential matter.

WIS. STAT. RULE 809.32, this court concludes there is no arguable merit to any issue that could be raised on appeal. Therefore, the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

Cindy was initially committed when she was fourteen years old after causing a disturbance at her home by yelling, kicking the wall, slamming her head against the floor, punching herself in the head, and biting herself and others. This appeal involves the order granting Marathon County's third application for a twelve-month extension of Cindy's original commitment. The County applied for the extension and the medication order based, in part, on a recommendation for recommitment submitted by a licensed professional counselor. The counselor opined that there was a need for continued commitment, and that, based on Cindy's treatment record, there was a substantial likelihood that she would be a proper subject for commitment if treatment were withdrawn. The counselor added that a medication order was necessary to sustain ongoing treatment efforts and reduce the likelihood of relapse.

Cindy was served with notice of the extension hearing. Two examiners submitted their reports more than forty-eight hours before the hearing, *see* WIS. STAT. § 51.20(10)(b), and the hearing was held before Cindy's previous commitment expired. Therefore, any challenge to the extension of Cindy's commitment based on a failure to comply with statutory deadlines or procedures would lack arguable merit.

At the outset of the extension hearing, Cindy's counsel asserted, without citation to authority, that the circuit court lacked jurisdiction to hear the recommitment petition because Cindy had been placed in Tennessee "under [a child protective services] case in conjunction with this mental health commitment." Emphasizing that Cindy was subject to a commitment order

entered in Wisconsin, the court determined it had jurisdiction to extend that commitment. One of the two examining physicians then testified consistent with his report. After considering the doctor's testimony, the court entered an order extending Cindy's commitment for twelve months. The court also ordered involuntary medication and treatment during Cindy's commitment period.

The no-merit report addresses whether there are any grounds to challenge the sufficiency of the evidence to support either the order extending Cindy's commitment or the order for involuntary medication and treatment. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that it would be frivolous to challenge either order.

The court's independent review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that attorney Leonard D. Kachinsky is relieved of further representing Cindy in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*