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**DISTRICT III**

June 23, 2020

To:

Hon. Kelly J. Thimm  
Circuit Court Judge  
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You are hereby notified that the Court has entered the following opinion and order:

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2018AP2201-NM

In the matter of the guardianship and protective placement of  
F.J.H.: Douglas County v. F.J.H. (L.C. # 2018GN13)

Before Stark, P.J., Hruz and Seidl, 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 F.J.H filed a no-merit report pursuant to WIS. STAT. RULE 809.32,<sup>1</sup> concluding there is no basis to challenge orders for protective placement and for guardianship of F.J.H.'s person and estate. F.J.H. was informed of his right to file a response to the report and did not respond. By order dated May 22, 2020, we noted that a review of the record reflects that

neither of the examining physicians' reports were provided to counsel for F.J.H. "at least 96 hours in advance of the hearing," as required under WIS. STAT. §§ 54.44(1)(a) and 55.11(3). We consequently questioned whether there would be arguable merit to any issue related to the failure to comply with these statutory provisions, and whether any such challenge had been preserved for appeal.

We directed counsel to either: (1) file a supplemental no-merit report explaining why it would be wholly frivolous to pursue this potential issue; (2) move to voluntarily dismiss this matter and to extend the time for filing a postdisposition motion; or (3) move to convert this matter to a merits appeal. Counsel has now informed this court that after consultation with F.J.H., she believes a postdisposition motion must be filed. Counsel consequently moves to voluntarily dismiss this appeal and to extend the time for seeking postdisposition relief in the circuit court. We will therefore reject the no-merit report, dismiss the appeal, and extend the time for counsel to file a postdisposition motion.

Upon the foregoing,

IT IS ORDERED that the no-merit report is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the time for filing a postdisposition motion is extended to August 20, 2020.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

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*