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**DISTRICT III**

October 5, 2021

To:

Hon. Jay R. Tlusty  
Circuit Court Judge  
Electronic Notice

Becky Byer  
Register in Probate  
Lincoln County Courthouse  
Electronic Notice

Cary E. Bloodworth  
Electronic Notice

Shelley Wells  
Electronic Notice

B. F.

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

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2021AP165-NM

Lincoln County v. B. F. (L. C. No. 2003GN25)

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

**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 B.F. has filed a no-merit report pursuant to WIS. STAT. RULE 809.32, concluding that no grounds exist for challenging an order continuing B.F.'s protective placement. B.F. was advised of her right to file a response and has not responded. Upon this court's independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), no issues of arguable merit appear. Therefore, the order is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2019-20). All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

B.F. has been under guardianship and protective placement orders since 2003 due to her inability to make decisions independently or provide for her own care as a result of dementia secondary to her history of alcohol abuse. The present matter involves a petition for annual review of B.F.'s protective placement order where no change was recommended in the facility in which she resided.

The circuit court reviewed the continuing need for protective placement, and after a hearing, continued the protective placement. At the hearing, evidence was presented that B.F.'s dementia was a permanent disability affecting her memory, reasoning ability, and executive functioning. Testimony further established that B.F. was incapable of providing for her own care, and that she required twenty-four hour a day supervision and support in order to adequately provide for her physical care needs.

Testimony at the hearing established that B.F. requires supervision, even when eating and drinking. Examples of concerns with B.F.'s behavior if left unmonitored included consuming such large bites of food that there were choking concerns, as well as B.F. running the water so hot during showers that she would burn herself. Testimony also established that in her previous placement, B.F. would urinate in corners and required assistance cleaning herself because she developed yeast infections under her skin folds. In addition, B.F. forgets to take her medication and cannot remember her plans for the day.

Evidence was also presented that B.F. was not likely to improve, that there was no treatment that would make her better or improve her functioning, and that she continued to be incompetent and have a primary need for residential care and custody. The level of restrictiveness at the adult-family home where she was residing was appropriate, and protective

placement was needed rather than protective services because B.F. did not recognize or agree with her need for assistance.

This court agrees with counsel's analysis and conclusions in the no-merit report regarding the sufficiency of the evidence, the timeliness of the annual review, and the appropriateness of conducting the hearing via video conference during the COVID-19 pandemic. An independent review of the record discloses no other potential issues for appeal.

Upon the foregoing,

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Cary Bloodworth is relieved of any further representation of B.F. in this matter pursuant to 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*