



The Guardian is a quarterly newsletter published by the Greater Wisconsin Agency on Aging Resources' (GWAAR) Wisconsin Guardianship Support Center (GSC).

The GSC provides information and assistance on issues related to guardianship, protective placement, advance directives, and more.

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Points of Interest



Attend Aging Advocacy Day May 13th!

Are you interested in issues affecting older adults and caregivers? Would you like to tell your legislator what aging/caregiver services mean/have meant to you, your family, or those you serve?

Join members of the Wisconsin Aging Advocacy Network (WAAN), aging network professionals, older adults, and family caregivers to “tell your story” and help educate state legislators about issues impacting Wisconsin’s aging population.

Citizens from around the state will gather in Madison on Tuesday, May 13 for training, to meet with other constituents from your Senate and Assembly district, and for office visits with your legislators. No experience is necessary; you’ll get the training and support you need before meeting with state lawmakers. Following the training, join others from your state Senate and Assembly district to provide information and share personal stories with your legislators to help them understand how specific policy issues and proposals impact you, your family, and older constituents.

A virtual training will be available on May 7 from 12-1 p.m. with a brief overview of this year’s issues and talking points. Not required, but recommended for attendees.

Wisconsin Aging Advocacy Day (WIAAD)

Schedule—10:00 a.m. — 3:00 p.m.

Best Western Premier Park Hotel, 22 S. Carroll St.,
Madison and the Wisconsin State Capitol

9:00 – 10:00 a.m.: **Event check-in**,
Best Western Premier Park Hotel

10:00 a.m. - Noon: **Training** - Issue briefing/advocacy
skills, district planning time & lunch, Best Western
Premier Park Hotel

12:15 p.m.: Cross the street to the State

Capitol

12:30 p.m.: **Group photo**, State Capitol –
Martin Luther King, Jr. Entrance (accessible)

1:00 – 3:00 p.m.: **Legislative visits**, advocacy
activities/networking, check-out and
debriefing, State Capitol Offices and North Hearing
Room—2nd Floor

Your voice can make a difference!

The registration deadline is April 25. [Register online](#) or
contact your local aging unit or ADRC.

Free Webinar: “From Clutter to Comfort: A Caregiver’s Guide to Supporting Seniors With Hoarding”

This free webinar was held live on March 12, but the
recording is still available on demand. The webinar is
designed to empower professionals with the essential
knowledge and tools to support seniors facing hoarding
tendencies. It will review the nature of hoarding disorder
and its risks, with a special focus on the unique
challenges faced by older adults. Attendees will learn
empathetic communication techniques to build trust,
strategies for involving professional help, and practical
DIY cleanup tips for less severe cases. The session will
highlight valuable resources like the Bio-One Hoarding
Guide and national mental health organizations to ensure
ongoing support. More information and registration for
the on-demand recording is available via [Right at Home](#).

Healthy Aging Summit, May 15, Stevens Point

Registration is still open for the Wisconsin Institute of
Healthy Aging’s 2025 [Healthy Aging Summit](#), an in-person
conference designed to inform, inspire, engage, and
empower! The summit is a fun, inspiring educational
event for professionals and people with an interest in
improving the health of their communities. The event will
take place at the SentryWorld Conference Center in
Stevens Point. Cost: \$165. Registration closes April 30.

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Points of Interest



Alzheimer's Association-WI Chapter Annual Conference, May 5-6, Wisconsin Dells

The Wisconsin Chapter of the Alzheimer's Association will hold its annual conference at the Kalahari in Wisconsin Dells on May 5-6. The conference agenda and registration are available through [EventBrite](#).

Upcoming Free Community Education Events: Alzheimer's Association-WI Chapter

The Wisconsin Chapter of the Alzheimer's Association regularly offers both in-person and virtual education events. Upcoming events in over the next several months include presentations on the 10 Warning Signs of Alzheimer's, A Caregiver's Guide to Finance, Responding to Dementia-Related Behavior, and more. More information and registration are available through the chapter's [Education and Resources website](#).

Circles of Life Conference, May 8-9, Wisconsin Dells

Circles of Life is Wisconsin's annual conference for children with disabilities, their families, and professionals who support them. This year's theme is "Overcoming Barriers." Keynote speaker Brian Kenney will discuss overcoming barriers through strategies and best practices for full inclusion, including family involvement and engagement and holding others accountable. Most sessions will be available in both English and Spanish. More information and registration are available through [Family Voices of Wisconsin](#).

National Elder Abuse Multidisciplinary Team Summit, May 29-30, Virtual

The Elder Justice Initiative, in collaboration with the Office for Victims of Crime, will host the first National Elder Abuse Multidisciplinary Team (MDT) Summit. The goal of the Summit is to advance the elder abuse MDT field beyond systems collaboration toward the adoption of practices that contribute to increasing access to justice

for older Americans. Adoption of these practices promotes engagement, provides older victims with a better experience while they are in the system, and contributes to their recovery and well-being long after exiting the system. The event is free, but [registration is required](#).

Save the Date: "A Day with Lewy – Lewy Body Dementia and the Caregiving Journey," Oct. 9, 2025

The Lewy Body Dementia Association and ADRCs of Dodge, Jefferson, Marquette, and Winnebago Counties will be hosting an educational event on Oct. 9, 2025. Pending approval, CE credits will be available.

National Center on Elder Abuse Raises the Alarm about Relationship Investment Scams

In the NCEA's latest [blog](#), "Raise the Alarm About Relationship Investment Scams" by Melanie T. Devoe, Director of Customer Education and Outreach at the Commodity Futures Trading Commission (CFTC), explore how international crime rings are using a sophisticated mix of romance and investment scams known as "pig butchering" to defraud Americans out of billions. Learn how these scams especially impact older adults and what steps you can take to protect yourself and your community.

Community Living Room Offers a Space for Social Connection and Support in Northeast Wisconsin

Wisconsin Public Radio [recently featured](#) a group in Appleton that created their own local solution to address concerns about social isolation and loneliness. The Community Living Room project began through a series of pop-up events around Appleton, but now has a permanent home for hosting gatherings for anyone who would like to attend. CLR's [website](#) provides more information and a calendar of upcoming events.





Additional GSC Publications Available in Spanish

The GSC has been working on Spanish translations of our most frequently requested documents and have several newly available over the past several months. We also added a section to the [GSC website](#) to collect all of our current Spanish publications in one place.

Newly available documents include:

- [Asking the Court to Review the Conduct of a Guardian](#)
- [Future Planning: Standby and Successor Guardianship](#)
- [How to Ask the Court to Change or End Your Guardianship](#)
- [Overview-Legal Decision Making](#)
- [Transitioning to Adulthood: Guardianships and Children with Severe Disabilities](#)

Future Spanish publications include our Checklists brochures for Guardian of Person and Estate and the Inventory and Accounting brochures.

Governor's Proclamation: April is "ABLE to Save Month"

On April 1, Governor Evers issued a [proclamation \(accessible version\)](#) declaring April 2025 to be "ABLE to Save Month." While Wisconsin does not currently administer an ABLE program, legislation was enacted last year to instruct the Wisconsin Department of Financial Institutions (DFI) to determine how it will establish an ABLE savings program for Wisconsin residents with disabilities – either independently or through a collaborative agreement with another state or states – by no later than August 1, 2025, with implementation to follow.

April 16 is National Healthcare Decisions Day By the GWAAR Legal Services Team (for reprint)

Governor Evers recently issued a [proclamation \(accessible version\)](#) recognizing April 16 as National Healthcare Decisions Day! This movement became nationally recognized in 2008 to help raise awareness of the importance of advance care planning, to empower peo-

ple to draft advance planning documents, and to encourage discussions with family members and medical professionals about healthcare wishes.

The law on advance care planning documents and authority varies by state. In Wisconsin, practitioners typically recommend the following documents:

- Power of attorney for finances
- Power of attorney for healthcare
- Living Will (optional)
- Authorization for Final Disposition (burial & funeral arrangements)

Advance planning documents can be executed with or without an attorney. While the basic forms are available online for free, an attorney can provide legal advice and counseling regarding the person's specific circumstances to ensure that their wishes are stated and carried out as desired. It is important that the healthcare power of attorney is signed in front of two unrelated witnesses. While the power of attorney for finances does not technically require witnesses, it is granted important protections under Wisconsin law if it is notarized when signed.

Powers of attorney (POAs) provide authority for someone to make financial and/or healthcare decisions for another person. Wisconsin is not a "next of kin" state, meaning that family members do not have the ability to make healthcare decisions on behalf of another person just by virtue of being a relative. Powers of attorney documents are valid once they are drafted and signed, but the agents do not have authority to act on behalf of the principal until the document is activated. Healthcare POAs are usually activated upon subsequent incapacity of the principal. Financial POAs can be activated immediately or upon a future event.

A Living Will is a document which on its face may look similar to a power of attorney for healthcare; however, there are several important differences. In writing a Living Will, a person is making a directive to his or her doctor regarding the person's end of life decisions. There is no authority given to another person to act as an agent on the principal's behalf, as is the case in the power of

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attorney documents. Additionally, a Living Will only contemplates and provides for actions in very specific circumstances. By contrast, a power of attorney for healthcare provides for an agent to have broad authority to make decisions in a wide range of situations. A person can have both a power of attorney for healthcare and a Living Will, if desired, or one or the other. It's important that if a person has both documents that the wishes expressed within them be consistent.

Finally, the Authorization for Final Disposition allows a person to indicate his or her funeral and burial preferences in writing and to appoint an agent to carry out those wishes upon the person's death. This document is recommended as part of a comprehensive estate plan because the authority under a power of attorney ends upon the principal's death. If no agent is appointed under an Authorization for Final Disposition form, Wisconsin law indicates that a surviving spouse, child, parent, sibling, close friend, or guardian (in that order) can make funeral and burial decisions on behalf of a decedent.

The Guardianship Support Center's [website](#) includes links to forms, more information on advance directives, and Do-It-Yourself Guides. The Department of Health Services also has the statutory forms for all of these documents. Living Will forms available on its [website](#).

Myth-busting false beliefs about POAs:

1. I do not need a POA because my spouse or family can make decisions on my behalf.

- a. Wisconsin is not a "next of kin" state, meaning that family members do not have inherent authority to make decisions solely based on their relationship with you. Authority must be specifically given to a person through a POA or a court order.

2. I do not need a POA until I am older or sick.

- a. Too often, people wait until it is too late to do advance planning. If a person no longer has the capacity to execute a POA document, then a guardian-

ship action in court may be needed. All adults over the age of 18 should consider creating advance directives.

3. Once I create a POA, I'm set for life.

- a. The POA documents are not locked in stone. They can be revoked or re-executed at any time. The [Wisconsin Medical Society](#) recommends that advance planning documents be reviewed if any of the 4 "d's" occur:
 - i. **Death** (if any of the agents named in your POA pass away)
 - ii. **Decade** (if it has been more than 10 years since you drafted or reviewed your documents)
 - iii. **Divorce** (if you subsequently get a divorce after drafting your POA—in Wisconsin, this invalidates your documents by law)
 - iv. **Disease** (if you become sick or are diagnosed with an illness).



May is Older Americans Month!

By the GWAAR Legal Services Team (for reprint)

Older Americans Month is celebrated every May. The month is a time to recognize older Americans' contributions, highlight trends in aging, and reaffirm our commitment to serving older adults.

The Administration for Community Living has announced this year's theme, Flip the Script on Aging, which focuses on transforming how society perceives, talks about, and approaches aging. It encourages individuals and commu-

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nities to challenge stereotypes and dispel misconceptions. This year, join us in honoring older adults' contributions, exploring the many opportunities for staying active and engaged as we age, and highlighting the opportunities for purpose, exploration, and connection that come with aging.

For more information, visit the official [Older Americans Month website](#).

Tornado and Severe Weather Preparedness *By the GWAAR Legal Services Team (for reprint)*

The snow is melting and the trees are turning green, which means it's time to review your safety plans so that you will be ready when severe weather hits. Wisconsin averages 23 tornadoes per year, with most tornadoes occurring between May and August. June usually has the highest number of tornadoes. Wisconsin averages 23 tornadoes annually. Last year, the [National Weather Service \(NWS\) confirmed 45 tornadoes in Wisconsin](#), the third highest in state history!

Other hazards of spring and summer weather are powerful, straight-line thunderstorm winds that can exceed 60 mph and large hail. Wisconsin gets a few storms each year that generate hurricane-force winds of at least 75-100 mph. The National Weather Service issues Severe Thunderstorm Warnings for these wind events as well as for storms with hail of at least 1 inch in diameter.

Wisconsin Emergency Management recommends having a plan for what to do in case of severe weather. When a Thunderstorm Watch or Tornado Watch has been issued, pick a reliable source of information and keep in touch with that source until the threat of severe weather has passed. One of the best tools is a [weather radio](#).

When you hear a siren or that there is a tornado warning, find shelter immediately. If you are at home or in a building, move to a shelter space you have chosen, such as a basement, and get under a sturdy table or the stairs. If you do not have a basement, move to a small

interior room or hallway on the lowest floor and get under a sturdy table or desk or cover yourself with blankets or pillows. Stay away from windows and put as many walls as possible between you and the storm.

If you are in a mobile home or caught outdoors, seek shelter in a sturdy building. If you cannot walk to a shelter quickly, get into a vehicle, buckle your seatbelt, and drive to the closest sturdy shelter. If debris starts flying while you are driving, pull over and park. Either stay in the vehicle with your seatbelt on and place your head below the windows, or, if you can safely get to a point that's noticeably lower than the roadway, get out of the vehicle and lie in that area, covering your head with your hands. Do not seek shelter under an overpass.

You can read more about severe weather safety and emergency preparedness at the following links:

- ▷ [Climate and Health: Severe Storm Safety](#)
- ▷ [ReadyWisconsin](#)
- ▷ [Ready.gov](#)

St. Croix County Announces Reopening of Kitty Rhoades Memorial Memory Care Center

In February, St. Croix County announced the reopening of the Kitty Rhoades Memorial Memory Care Center, which now includes a Dementia Crisis Stabilization Unit (DCSU). The DCSU provides short-term specialized care for individuals with Alzheimer's and related dementias experiencing a high level of memory care needs. The goal of this facility is to create a transition period, providing stability and then supporting a move to the appropriate care setting, whether that's back home or a less-intensive nursing care area. The facility will initially operate at limited capacity, expanding to accommodate up to 10 individuals as staffing continues to grow.

St. Croix County was awarded a Dementia Crisis Stabilization Unit Development Grant in the amount of \$600,000 from the Wisconsin Department of Health Services and the Bureau of Aging and Disability Resources to help reo-

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pen this facility. The grant utilizes American Rescue Plan Act (ARPA) funds.

DATCP Press Release: Wisconsin's Top 10 Consumer Complaints of 2024

February 6, 2025

Contact: Caleb Kulich, Public Information Officer, (608) 621-1290, caleb.kulich@wisconsin.gov

As the state's primary consumer protection agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) responded to 11,374 written consumer complaints in 2024. The resulting mediations, enforcement actions, and settlements returned over \$23 million to Wisconsin consumers through refunds and restitutions directly returned to consumers, and civil forfeitures deposited into the state's common school fund for the benefit of public education.

"The Consumer Protection team is deeply committed to educating and protecting the citizens and visitors of our state, as well as committed to assisting victims of scams, fraud, and identity theft with recovery," said DATCP Secretary Randy Romanski. "I am proud of the team's hard work and dedication in serving Wisconsin consumers, and encourage anyone facing consumer issues in Wisconsin to access DATCP's free online resources or contact our Consumer Protection Hotline. They are here as a resource."

The top ten complaint categories of 2024 are:

1. Landlord-Tenant Issues

With 2,525 complaints filed in 2024, landlord-tenant issues remained DATCP's number one consumer complaint category. The most common disputes between landlords and tenants reported to DATCP include failure to maintain the premises, security deposit returns, unauthorized entry, mold and infestation, inadequate disclosures, and unsatisfactory service.

A recent case highlights the importance of landlord-tenant issues in Wisconsin and is just one example of

DATCP's many efforts to protect consumers from predatory and illegal business practices. In December 2024, the Wisconsin Department of Justice announced a settlement of a \$1.7 million lawsuit against Milwaukee-based Berrada Properties Management, Inc. after a referral from DATCP, whose investigators alleged the company had violated landlord-tenant law. The agreement with Berrada Properties Management included remediation and restitution programs requiring the company to return an estimated \$850,000 to tenants, among other obligations. Landlords and tenants alike can learn more about their rights and responsibilities from DATCP's free Landlord-Tenant Guide, available online at LandlordTenant.wi.gov.

In addition to landlord-tenant issues, DATCP received other housing related complaints including 45 complaints about manufactured housing and manufactured housing community concerns.

2. Telemarketing

Telemarketing was DATCP's second most-reported consumer complaint category of 2024, with 1,513 complaints. Issues include phishing and spoofing, imposter scams, robocalls, harassment, and Do Not Call Registry violations. While the complaints in this category have generally decreased over the last few years, that does not mean the calls themselves are decreasing. Instead, consumers are using tools like the Do Not Call Registry and anti-spam technologies built into the latest cell phones to reduce those calls. Even if they use these helpful tools, it remains important for consumers to file complaints with DATCP, as this helps the department combat illegal telemarketing and scam operations in partnership with other state and federal agencies.

3. Home Improvement

There were 664 consumer complaints filed with DATCP in the home improvement category in 2024. Top concerns include quality of work, delays in performance, failure to provide services and materials, failure to honor warranties, deceptive and misleading representations, and fail-

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ure to disclose lien rights. One example of a DATCP investigation into home improvement complaints determined that a home improvement company called MD Construction received homeowner payments for projects, but then left the work unfulfilled. Instead, the business spent customer money on personal expenses and refused to provide refunds. The owner was sentenced to five years of probation and ordered to pay over \$128,000 in restitution.

4. Identity Theft

DATCP received 618 complaints of identity theft in 2024, an increase over the previous year. The top issue in this category remains online account takeovers, with many of the complaints involving compromised Facebook accounts. Social media profiles being taken over by a bad actor can lead to serious and long-term consequences, as the scammer could use a compromised account to access the owner's personal finances, take control of their internet-based business, or spread the scam to their friends. Other major issues include fraud, data breaches, and compromised identification documents. While prevention is the best way to combat identity theft, victims of identity theft can contact DATCP for assistance with recovery and protecting their identity against further fraud.

5. Telecommunications

In 2024, DATCP received 527 complaints from consumers about their telecommunications services. Consumers reported issues about billing disputes, customer dissatisfaction, agreed-upon terms not being followed, deceptive and misleading representations, refund and adjustment policies, and denial of cancellation requests. Consumers should carefully read their contracts and policies to understand the extent and limitations of the services they purchase, and keep the original documentation for the length of their agreement and service plans.

6. Medical Services

Consumers filed 439 complaints related to medical services in 2024. The top issue in this category was medical

billing disputes. Other topics include unsatisfactory service and misleading representations. In one 2024 complaint, a consumer was billed \$1,900 for a procedure after being told it would be covered by insurance. However, after DATCP mediation efforts, the mistake was identified and the balance was waived.

7. Motor Vehicle Repair

There were 341 motor vehicle repair complaints filed with DATCP in 2024. Consumers reported issues such as unsatisfactory quality of work, damage and loss of property, failure to honor agreements or perform work, performance delays, and charges for work not permitted by the vehicle owner. Following one complaint about a vehicle that was allegedly damaged while in a repair shop's care, DATCP mediated a resolution where the business agreed to waive more than \$1,000 in towing costs and cover the full repair bill, which was over \$3,000.

8. Motor Vehicle Sales (New and Used)

The eighth most common consumer complaint in 2024 concerned sales of both new and used motor vehicles, about which DATCP received 297 complaints. The most common issues cited in these complaints were inadequate disclosures, prize notice mailers, and untrue, deceptive and misleading representations. DATCP works closely with the Wisconsin Department of Transportation (WisDOT) on motor vehicle complaints, as WisDOT is the state agency responsible for regulating sales while DATCP handles issues of advertising and marketing.

9. Travel

DATCP received 244 travel complaints in 2024. The travel category covers a variety of areas such as airlines, hotels and lodging, auto rentals, and travel service bundles, with common consumer complaints including billing disputes, refund and adjustment policies, failure to provide services, failure to return deposits, and unsatisfactory service.

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10. Motor Vehicle Accessories

DATCP's tenth most common consumer complaint category of 2024, having received 141 complaints, was motor vehicle accessories. Refunds, failure to deliver products, and deceptive and misleading representations were the top issues reported by consumers.

More Consumer Issues and Resources

While DATCP traditionally announces its top ten consumer complaints, the agency would also like to highlight other important issues that follow closely behind. Consumers filed many complaints in the categories of entertainment and recreation, warranties and extended warranties, major appliances, timeshares and timeshare resellers, furniture and home furnishings, and medical devices. Following some of these complaints, DATCP's mediation resulted in consumers receiving thousands of dollars in refunds on products and services like timeshare memberships, malfunctioning refrigerators, and concert tickets.

DATCP receives tens of thousands of requests for assistance and resources every year through written complaints, inquiries to the Consumer Protection Hotline, free presentations on consumer protection issues, and more. The Consumer Protection team assists the public every day with many more issues not listed above. Whether mediating a dispute between a consumer and a business, investigating, educating the public, or guiding consumers on scam or identity theft recovery services, DATCP's mission is to serve Wisconsin consumers. The agency's Bureau of Consumer Protection is ready and able to help – however necessary.

For more information and consumer protection resources, or to file a complaint, visit DATCP's Consumer Protection webpage at ConsumerProtection.wi.gov. DATCP's Consumer Protection Hotline can be contacted at (800) 422-7128 or DATCPHotline@wisconsin.gov. ☐

Helpline Highlights



Is a health care power of attorney document valid in Wisconsin if it has been notarized instead of witnessed? What about documents from other states?

A health care POA document signed in Wisconsin must be witnessed by two disinterested witnesses. It is not possible to use a notary instead of the two witnesses. See [Wis. Stat. § 155.10\(1\)](#).

Per [Wis. Stat. § 155.70\(10\)](#), Wisconsin recognizes power of attorney documents from other states as long as they were validly executed in the other state, and in some states that does include notarization. For example, Minnesota allows a health care POA to be notarized or witnessed. Wisconsin will recognize a notarized version because it was a valid way to execute the document in Minnesota. An agent's authority is limited to the decisions an agent would be able to make with a Wisconsin POA document.

The GSC has a [publication on out-of-state POAs](#) available on our website. It also discusses considerations around the areas where a WI agent requires specific authority, such as long-term care admissions. ☐





Title: *Monroe County v. H.K.B.*

Court: Court of Appeals, District IV

Date: 01/16/2025

Citation: [2024AP1305](#)

Case Summary

This case involved the appeal of the circuit court's orders continuing H.K.B.'s protective placement. H.K.B. argued that there was insufficient evidence to support the continuation of her placement under Wis. Stat. § 55.08(1). The Court of Appeals agreed with H.K.B. and reversed the circuit court's order.

Case Details

Since 2016, H.K.B. had been under a guardianship of her estate, and since 2017, she had been under a guardianship of her person. In February 2022, the circuit court granted Monroe County's petition to place H.K.B. in protective placement. After the County petitioned for a second annual review of H.K.B.'s protective placement, the circuit court held a due process hearing.

At the hearing, the only testimony came from a licensed clinical psychologist who had evaluated H.K.B. before the hearing. The psychologist testified that H.K.B. had a mild intellectual disability, mixed anxiety and depressive disorder, and dependent personality disorder, all of which were permanent or likely to be permanent. He further testified that H.K.B. had a primary need for residential care and custody and that her incapacity rendered her so incapable of providing for her own care or custody as to create a substantial risk of serious harm to herself or others. Based on this testimony, the circuit court ordered the continuation of H.K.B.'s protective placement.

H.K.B. appealed, arguing that Monroe County failed to present sufficient evidence to satisfy the dangerousness element under Wis. Stat. § 55.08(1)(c). To satisfy the dangerousness element, the County needed to show that H.K.B. was so totally incapable of providing for her own care or custody that she posed a substantial risk of serious harm to herself or others. The harm had to be substantial and foreseeable; mere speculation was not sufficient. The Court of Appeals found that the psychologist's

testimony lacked specificity regarding the dangerousness element. While he had stated that H.K.B. was unable to provide for her own needs or safety, was vulnerable to the influence of others, and had historically been unable to manage without residential care or custody, he did not identify any specific, foreseeable harm that posed a substantial risk. The Court of Appeals also noted that general concerns about vulnerability or difficulty managing daily life do not satisfy the statutory standard for dangerousness.

Additionally, the Court of Appeals noted that the circuit court relied on the psychologist's testimony, and Monroe County presented no additional evidence to support its case. Because the evidence failed to demonstrate that H.K.B. presented a substantial risk of specific, foreseeable, and serious harm, the Court of Appeals reversed the circuit court's order continuing her protective placement.

Title: *Trempealeau County v. R.B.*

Court: Court of Appeals, District III

Date: 12/10/2024

Citation: [2024AP1052](#)

Case Summary

This case involved the appeal of the circuit court's order extending Rachel's involuntary commitment under Wis. Stat. § 51.20. Rachel argued that there was insufficient evidence of her dangerousness, an essential element for extending a commitment. The Court of Appeals disagreed with Rachel and affirmed the circuit court's order.

Case Details

In July 2023, Rachel was emergently detained and subsequently involuntarily committed. Before her emergency detention, she had been hearing voices telling her to kill herself and had been injuring herself by hitting her arms against walls and doors. In December 2023, the County petitioned to extend her involuntary commitment.

The circuit court held a final hearing to determine wheth-





(Trempealeau Cty v. R.B., cont. from pg 10)

er Rachel's commitment should be extended. A psychiatrist examined Rachel and testified at the hearing. He diagnosed her with a psychotic disorder and testified that while her mental illness was treatable, she had recently been hospitalized twice and her condition could deteriorate rapidly without continued treatment. A social worker for Trempealeau County's Department of Human Services, who also served as Rachel's case manager, testified as well. She explained that Rachel had been doing well while committed but had recently experienced significant stressors contributing to her suicidal ideations. The social worker also expressed concern that Rachel would struggle to follow through with her treatment due to transportation issues, as she did not have a driver's license.

The circuit court found that Rachel presented a substantial probability of physical harm to herself if treatment was withdrawn and ordered her commitment extended for another year. Rachel appealed.

To extend an individual's involuntary commitment, three elements must be met: the person must be (1) mentally ill, (2) a proper subject for treatment, and (3) dangerous to themselves or others. Rachel was found dangerous under § 51.20(1)(a)2.a, which requires proof of a substantial probability of physical harm to oneself, as demonstrated by recent threats or attempts at suicide. Additionally, each extension hearing requires proof of current dangerousness, and Rachel argued that the County failed to present sufficient evidence of this. The Court of Appeals disagreed, concluding that the County had proven Rachel's current dangerousness. Based on the psychiatrist's and social worker's testimony, the court found clear and convincing evidence that if Rachel's commitment had not been extended, she would have likely decompensated quickly, become a danger to herself, and required another commitment.

Accordingly, the Court of Appeals affirmed Rachel's involuntary commitment. □

What is the Guardianship Support Center able to help with?

The GSC is a neutral statewide informational help-line for anyone throughout the state. We can provide information on topics such as Powers of Attorney, Guardianship, and Protective Placement. The GSC is unable to provide information on minor guardianships, wills, trusts, property division, or family law. The GSC is also unable to give legal advice or specific direction on completing court forms such as the inventory and annual accounting. The GSC does not have direct involvement in cases and is not able to provide legal representation.

What are some other free or low-cost legal resources?

Other resources include the American Bar Association's Free Legal Answers [website](#) where members of the public can ask volunteer attorneys legal questions. The State Bar of Wisconsin also offers a Modest Means Program for people with lower income levels. The legal services are not free but are offered at a reduced rate. Income qualifications must be met. For more information, visit the State Bar's [website](#) or call **800-362-9082**.

Interested in Receiving *The Guardian*?

Do you want more information about guardianship, POAs, and related issues?

Signing up is easy with a link on our website: [Guardian Newsletter Sign-Up](#).

You can also subscribe by emailing your name, email address, and organization to guardian@gwaar.org.

