COURT OF APPEALS
DECISION
DATED AND FILED

June 18, 2009

David R. Schanker
Clerk of Court of Appeals

Appeal No. 2008AP2409 **Cir. Ct. No. 2005JC31**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

IN THE INTEREST OF ALEX D., A PERSON UNDER THE AGE OF 18:

IOWA COUNTY DEPARTMENT OF HUMAN SERVICES,

PETITIONER-RESPONDENT,

V.

JOHN D. D.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Iowa County: MICHAEL KIRCHMAN, Judge. *Affirmed.*

¶1 LUNDSTEN, J.[1] John D.D. appeals *pro se* from a circuit court order requiring him to reimburse Iowa County for half of the guardian ad litem's fees in a CHIPS (child in need of protection or services) action. The order is affirmed.[2]

¶2 Relying solely on the Seventh Amendment to the United States Constitution, John D.D. argues that the circuit court erred by ordering him, without a jury trial, to reimburse the county. The Seventh Amendment provides: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." This provision does not apply here. "[I]t has been long-decided … that the Seventh Amendment to the U.S. Constitution does not apply to actions in state court." ***Village Food & Liquor Mart v. H&S Petroleum, Inc.***, 2002 WI 92, ¶7 n.3, 254 Wis. 2d 478, 647 N.W.2d 177. Because this is an action in state court, John D.D.'s argument based on the Seventh Amendment lacks merit.

¶3 Moreover, I know of no other authority under which a parent would have a right to a jury trial on the question of guardian ad litem fees reimbursement, which is governed by WIS. STAT. § 48.235(8) ("If the court orders the county of

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2007-08). All references to the Wisconsin Statutes are to the 2007-08 version unless otherwise noted.

[2] The record contains multiple orders for guardian ad litem fees. It appears that John D.D.'s appeal may be timely only as to the most recent of these orders but that John D.D. may have intended to challenge at least one other earlier order. Because the issues John D.D. raises are the same regardless which order is challenged, I need not resolve any question as to the timeliness of John D.D.'s appeal from the fees order.

venue to pay [guardian ad litem compensation and fees] because a parent is indigent, the court may also order either or both of the parents to reimburse the county, in whole or in part, for the payment.").

¶4 John D.D. also argues that the assistant district attorney, the guardian ad litem, and the circuit court judge all wrongfully convinced him to waive his right to a jury trial in the underlying CHIPS proceeding. I reject this argument for at least two reasons.

¶5 First, the argument does not relate to the fees order that John D.D. has appealed, but instead relates to the underlying CHIPS order. If John D.D. wished to raise issues relating to the underlying CHIPS order, he should have appealed that order, which was issued more than two years before John D.D. filed his notice of appeal.[3]

¶6 Second, even if John D.D.'s appeal could be liberally construed to bring the underlying CHIPS order within its grasp, he does not support his argument with record citations to facts that would establish a claim that he was wrongfully convinced to waive his jury trial rights. The only citation in support of his argument is to correspondence between him and the county social services agency in which he makes essentially unsupported assertions that the agency and the court are biased against him and against fathers in general. This correspondence does not support John D.D.'s argument that he was wrongfully convinced to waive his jury trial rights, nor would it support a claim that he involuntarily waived such rights.

[3] The original CHIPS order has been extended twice.

¶7 Finally, John D.D. makes a related argument that the guardian ad litem failed to perform duties in a fair, unbiased, and diligent manner. John D.D. requests that the guardian ad litem be removed from this case. Even assuming, without deciding, that this court has the authority at this stage of the proceedings to grant John D.D.'s request or direct the circuit court to grant the request, the request would fail. As with his previous argument, John D.D. does not support this argument with relevant factual material. The facts in the record he does point to do not demonstrate that the guardian ad litem was biased or otherwise failed to fulfill his duties.[4]

¶8 In sum, for the reasons stated, the circuit court's order is affirmed.

By the Court.—Order affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)4.

[4] In the conclusion section of his brief-in-chief, John D.D. argues that a psychologist's report and a social worker's report are biased and should be removed from the record. This argument is insufficiently developed to warrant consideration. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (court of appeals may decline to address issues that are inadequately briefed).