

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

September 19, 2000

Cornelia G. Clark  
Clerk, Court of Appeals  
of Wisconsin

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

No. 00-1137

STATE OF WISCONSIN

IN COURT OF APPEALS  
DISTRICT III

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IN THE MATTER OF THE GUARDIANSHIP AND  
PROTECTIVE PLACEMENT OF GOLDIE H.:

COUNTY OF DUNN,

PETITIONER-RESPONDENT,

v.

GOLDIE H.,

RESPONDENT-APPELLANT.

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APPEAL from an order of the circuit court for Dunn County:  
ROD W. SMELTZER, Judge. *Affirmed.*

¶1 PETERSON, J.<sup>1</sup> Goldie H., through her guardian ad litem, appeals an order extending her protective placement under WIS. STAT. § 55.06. Goldie makes two arguments on appeal: (1) the trial court was required to hold a summary hearing on the record to extend the protective placement; and (2) the trial court was required to make the findings set forth in WIS. STAT. § 55.06(2) to extend the placement. We conclude, however, that even if Goldie is correct, she is not aggrieved by the order. Therefore, the order is affirmed.

### BACKGROUND

¶2 The circuit court originally ordered Goldie protectively placed in 1998 following an uncontested hearing. *See* WIS. STAT. § 55.06. One year later, the County filed a petition for an annual review, along with a written report that recommended continued protective placement. *See* WIS. STAT. § 55.06(10)(a).<sup>2</sup> The guardian ad litem also filed a report that was quite thorough. It addressed the standards for protective placement and the facts of this case. The report specifically recommended against a full due process hearing. It concluded that

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (1997-98). All references to the Wisconsin Statutes are to the 1997-98 version unless otherwise noted.

<sup>2</sup> WISCONSIN STAT. § 55.06(10)(a) reads as follows:

The department or any agency which is responsible for a protective placement shall review the status of each person placed at least once every 12 months from the date of admission. The court in its order of placement may, however, require that such review be conducted more frequently. The review shall include in writing an evaluation of the physical, mental and social condition of each such person, and shall be made a part of the permanent record of such person. The review shall include recommendations for discharge or placement in services which place less restrictions on personal freedom, where appropriate. The results of the review shall be furnished to the department in such form as the department may require and shall be furnished to the court that ordered the placement and to the person's guardian.

Goldie met the statutory criteria for continued protective placement. The circuit court subsequently signed an order in chambers continuing the protective placement.

¶3 The guardian ad litem objected to the order because a hearing on the record was not held and because the order did not contain any specific findings for grounds of protective placement pursuant to WIS. STAT. § 55.06(2). A hearing was then held on the objection and the circuit court overruled the objection. This appeal followed.

#### DISCUSSION

¶4 Goldie does not dispute the actual decision of the circuit court to continue her protective placement. The only dispute is the manner in which the circuit court's decision was made: without a hearing and without statutory findings to support the decision.

¶5 However, it is basic appellate law that a right to appeal an order is confined to persons aggrieved in some appreciable manner by the court action. *See Mutual Serv. Cas. Ins. Co. v. Koenigs*, 110 Wis. 2d 522, 526, 329 N.W.2d 157 (1983). The order appealed from must bear directly and injuriously upon the interests of the appellant. She must be adversely affected in some appreciable manner. *See State ex rel. Opelt v. Crisp*, 81 Wis. 2d 106, 113, 260 N.W.2d 25 (1977).

¶6 Goldie fails to explain how this order in any way bears injuriously upon her interests. She received exactly what her guardian ad litem recommended as being in her best interests: continued protective placement. There is no single part of the order about which she complains. Even if the circuit court should have

held a summary hearing and should have made other findings, the fact remains that Goldie is not aggrieved by the result. Therefore, she has nothing from which to appeal.

*By the Court.*—Order affirmed.

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

