

Wisconsin Supreme Court and Court of Appeals Case Access

Steve P. v. Maegan F.

Appeal Number 2011AP002887

CONFIDENTIAL
Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	CA		01-30-2012	Court Reporter's Statement-Trans. Court Reporter Name: (Wallow, Amy) Comment: DO NOT PURSUE; 1/26/11 COC says transcripts in REC
OCCD	SC	05-08-2014		Briefs Received At State Law Library
OCCD	SC	12-10-2013		Remittitur
OCCD	SC	12-09-2013		Letter/Correspondence Comment: Rec'd copy of letter from Steve P to Judge DiMotto
OCCD	SC	11-08-2013		Cites 351 Wis. 2d 28
OCCD	SC	11-08-2013		Cites 839 N.W.2d 386
OCCD	SC	11-08-2013		Opinion/Decision Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman Opinion: Per Curiam Decision: Dismissed Pages: 4 Prosser, David T. Jr. Took No Part Order Text: The review of the decision of the court of appeals is dismissed as improvidently granted. David T. Prosser, J., withdrew from participation.
OCCD	SC	11-07-2013		Public Domain Citation Comment: PDC No: 2013 WI 89
OCCD	SC	10-16-2013		Sua Sponte Filed By: Supreme Court Supreme Court Submit Date: 10-16-2013

Decision: (N) No Action

Decision Date: 11-5-2013

The review of the decision of the court of appeals is dismissed as improvidently granted. David T. Prosser, J., withdrew from participation.

Comment: Letter from James Dwyer re: permission to submit analysis of 2nd certified question

OCCD SC 10-11-2013 Response

Comment: **10 EXTRA COPIES OF CA BRIEFS FOR SC **

OCCD SC 09-27-2013 Reply Brief-Supreme Court

Filed By: Renee Mura

Comment: Reply to Noel G. Please note that the Trial Court Judge and County appealed from have been added to the cover of all briefs. Please Include this information on all future briefs pursuant to rule 809.19 (9)

OCCD SC 09-23-2013 Reply Brief-Supreme Court

Filed By: Renee Mura

Comment: Reply to Maegen F. Please note that the Trial Court Judge and County appealed from have been added to the cover of all briefs. Please Include this information on all future briefs pursuant to rule 809.19 (9)

OCCD SC 09-23-2013 Brief of Amicus Curiae

Filed By: Maria L

Comment: DCF

OCCD SC 09-17-2013 Response Brief-Supreme Court

Filed By: Laurence Moon

Comment: Noel G. Please note the party designation on the caption was corrected on the covers of all briefs. Please use the above caption on all future briefs.

OCCD SC 09-12-2013 Certificate of Filing by Mail

Comment: BRY to Guardian Ad Litem

OCCD SC 09-10-2013 Reply Brief

Filed By: Renee Mura

Comment: Reply to Guardian ad Litem Brief

OCCD SC 09-09-2013 Response Brief-Supreme Court

Comment: Maegan F.

OCCD SC 09-06-2013 Motion for Miscellaneous Relief

Filed By: Renee Mura

Submit Date: 9-6-2013

Decision: (N) No Action

Decision Date: 11-5-2013

The review of the decision of the court of appeals is dismissed as improvidently granted. David T. Prosser, J., withdrew from participation.

Motion Response

OCCD SC 09-05-2013 Motion to Extend Time
Filed By: Laurence Moon
Submit Date: 9-5-2013
Decision: (G) Grant
Decision Date: 9-10-2013
ORD that the motion for extension of time to file a response brief is granted. Respondents-respondents' brief shall be served and filed on or before September 16, 2013. No further extensions of time will be granted to this party.
See BR2 event due on 9-16-2013

OCCD SC 09-04-2013 Certificate of Filing by Mail
Comment: BGL

OCCD SC 09-03-2013 Brief of Guardian ad Litem
Filed By: Brian K
Comment: Note that the caption has been corrected on brief. Please use the above caption on all future briefs.

OCCD SC 09-03-2013 Motion to Extend Time
Filed By: Chris Velnetske
Submit Date: 9-4-2013
Decision: (G) Grant
Decision Date: 9-4-2003
IT IS ORDERED the motion is granted. Maegan F.'s response brief shall be served and filed on or before 09/06/13. No further extensions will be granted.
See BR2 event due on 9-6-2013

OCCD SC 09-03-2013 Attorney Change
Comment: Rec'd Notice of Appearance; Added B. P. Keenan, M. J. Aprahamian, K. J. Matic, P. C. Babler, Counsel for GAL

OCCD SC 08-13-2013 First Brief-Supreme Court
Filed By: Renee Mura
Comment: Separate Appendix Appx to First Brief-Supreme Court

OCCD SC 08-05-2013 Court Order
IT IS ORDERED that within ten days of the date of this order, petitioners-appellants-petitioners Steve P. and Donna P.; respondents-respondents Maegan F. and Noel G.; and the guardian ad litem, Attorney Sheila Hill-Roberts, must file a response addressing DCFs request to access the appellate record; and IT IS FURTHER ORDERED that DCFs request to be named as an interested party is construed as a motion requesting permission to file an amicus curiae brief pursuant to Wis. Stat. (Rule) 809.19(7), and that this motion is hereby granted. The deadline for the filing of the amicus curiae brief will be set in a future order following the disposition of DCFs request to access the appellate record.
See MMS event filed on 6-18-2013

OCCD SC 06-26-2013
Comment: of MMS filed by Atty. Mura rcv'd

Certificate of Service

OCCD SC 06-26-2013 Motion for Miscellaneous Relief
Filed By: Renee Mura
Submit Date: 6-26-2013
Decision: (D) Deny
Decision Date: 7-11-2013
IT IS ORDERED that the motion is denied.
Comment: Motion to lift stay

OCCD SC 06-19-2013 Interim Motion for Reconsideration
Filed By: Renee Mura
Submit Date: 6-19-2013
Decision: (D) Deny
Decision Date: 8-5-2013
IT IS ORDERED the motion for reconsideration is denied.
Comment: of 06/04/13 motion

OCCD SC 06-19-2013 Sua Sponte
Filed By: Supreme Court Supreme Court
Submit Date: 6-19-2013
Decision: (O) Other
Decision Date: 8-5-2013
IT IS ORDERED that the briefing stay is hereby lifted; and IT IS FURTHER ORDERED that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, within 14 days of the date of this order the petitioners-appellants-petitioners must file a brief in this court; that within 20 days of filing the respondents-respondents, Maegan F. and Noel G., and the guardian ad litem, Attorney Sheila R. Hill-Roberts, must file either their respective briefs or statements that no brief will be filed; and that if any brief is filed by the respondents-respondents or the guardian ad litem, within 10 days of filing the petitioners-appellants-petitioners must file either a reply brief or a statement that no reply brief will be filed; and IT IS FURTHER ORDERED that all other terms of this courts May 29, 2013 order granting the petition for review remain in effect.
ANN WALSH BRADLEY, J. (dissenting). I disagree with the majority that the briefing stay should be lifted. Instead, I think that the better approach is set forth in the recommendation advanced by the Guardian ad Litem that the briefing stay be continued. In her letter to this court dated July 15, 2013, the Guardian ad Litem argued for the best interests of the child: "With the filing of the TPR, it may be in Giovannas best interest to continue to stay the briefing schedule and await the results of the TPR hearing." Given the status of these proceedings and the possibility that the issues may become moot, I determine that continuing the briefing stay is the wiser approach.
Motion Response
Filed By: Shelia H
Submit Date: 7-17-2013
Motion Response
Filed By: Renee Mura
Submit Date: 7-17-2013
Motion Response
Filed By: Laurence Moon
Submit Date: 7-23-2013
Comment: Rec'd from GAL, update to case, only provided 1 copy; 07/15/13, Rec'd from GAL, update to case, only provided 1faxed copy; 07/17/13, Rec'd response to 06/26/13 cto from Pet; 07/18/13, Rec'd by mail, duplicate copy of faxed letter of 07/15/13; 07/23/13, Rec'd response from Noel G's Counsel

OCCD SC 06-18-2013

Motion for Miscellaneous Relief

Filed By: Maria L

Submit Date: 6-19-2013

Decision: (G) Grant

Decision Date: 8-27-2013

IT IS ORDERED that DCF's request to access the appellate record is granted. IT IS FURTHER ORDERED that DCF must file any amicus brief no later than 14 days after the filing of any brief by the respondents-respondents or the guardian ad litem. ANN WALSH BRADLEY, J. (dissenting). The Guardian ad Litem, in a July 15, 2013 letter to this court, argued for the best interests of the child. She advised the court that: "With the filing of the TPR, it may be in Giovanna's best interest to continue to stay the briefing schedule and await the results of the TPR hearing." Given the status of these proceedings and the possibility that the issues may become moot, I conclude that the wiser course is to heed the Guardian ad Litem's advice in this regard. I would stay the briefing schedule. Accordingly, I dissent from the order of the majority because it advances the briefing schedule rather than maintaining the status quo pending further proceedings in the circuit court. I am authorized to state that Chief Justice Shirley S. Abrahamson joins in this dissent.

Motion Response

Filed By: Renee Mura

Submit Date: 8-6-2013

This motion contains court order(s).

Comment: Motion for Access to Pleadings by DCF; 08/06/13, Rec'd Response from Pet; 08/14/13, Rec'd response from GAL

OCCD SC 06-14-2013

Sua Sponte

Filed By: Unassigned District 1

Submit Date: 6-17-2013

Decision: (O) Other

Decision Date: 6-19-2013

IT IS ORDERED that the briefing schedule in this case is stayed pending further order of the court; and IT IS FURTHER ORDERED that no later than seven days after the July 10, 2013 circuit court hearing referenced above, petitioners-appellants-petitioners Steve P. and Donna P.; respondents-respondents Maegan F. and Noel G.; and the guardian ad litem, Attorney Sheila Hill-Roberts, must file a response addressing how the outcome of said hearing impacts the issues pending before this court; and IT IS FURTHER ORDERED that petitioners-appellants-petitioners Steve P. and Donna P.'s response must additionally state whether, in light of the outcome of the July 10, 2013 circuit court hearing reference above, they continue to intend to litigate this case in this court; and IT IS FURTHER ORDERED that the above-referenced motion by the Wisconsin Department of Children and Families and the above-referenced motion for reconsideration by Steve P. and Donna P. are held in abeyance pending further order of this court.

Comment: Rcv'd corr from Atty. Mura re 5/29/13 CTO, action?

OCCD SC 06-04-2013

Motion for Miscellaneous Relief

Filed By: Renee Mura

Submit Date: 6-4-2013

Decision: (D) Deny

Decision Date: 6-13-2013

IT IS ORDERED the motion is denied. See Austin v. Ford Motor Co., 86 Wis. 2d 628, 641, 273 N.W.2d 233, 239 (1979) (Appellate review is limited to the record before the appellate court).

Comment: Motion to order the circuit court to print a certified copy of the detailed case history in CCAP and deliver same to SC & all attorneys in appeal, & order that APP's counsel may view the court file

OCCD SC 05-29-2013

Caption Amended

OCCD SC 05-10-2013

Court Order

IT IS ORDERED that on or before May 17, 2013, the guardian ad litem, Attorney Sheila Hill-Roberts, is directed to file a response addressing the following two issues: 1. Giovanna P.'s custody and placement status since the date of the appealed-from circuit court order in Milwaukee County Cir. Ct. No. 2011JG304, dated September 20, 2011, 2. The status of the Petition for Protection or Services filed in the interest of Giovanna P. on September 8, 2011 in Milwaukee County Cir. Ct. No. 2011JC774. The response may be in letter form.

OCCD CA 01-30-2013

Cites

826 N.W.2d 123

OCCD CA 01-30-2013

Cites

345 Wis. 2d 847

OCCD CA 01-30-2013

Opinion Ordered Unpublished

OCCD SC 01-24-2013

Fee Paid

Comment: Receipt No: 13R 000235

OCCD SC 01-24-2013

Petition for Review

Filed By: Renee Mura

Submit Date: 2-15-2013

Decision: (G) Grant

Decision Date: 5-29-2013

IT IS ORDERED the petition for review is granted. Briefs/statements 30/20/10....IT IS FURTHER ORDERED that the parties' briefs shall address the following additional issues:

1. The extent, if any, to which the standard announced in *Barstad v. Frazier*, 118 Wis. 2d 549, 348 N.W.2d 479 (1984) should apply to biological parents who have not exercised custody over the child; and

2. Whether children possess a constitutional right to preserve an existing, sound parental or parent-like relationship, and if so, whether the removal of Giovanna P. from the home of Steve P. and Donna P. violated that constitutional right; and

IT IS FURTHER ORDERED that the guardian ad litem's brief shall additionally discuss all facts used in her best interests determination for Giovanna P. at the time of the circuit court guardianship proceedings and during the appeal of those proceedings. See Wis. Stat. 767.407(4) ("The guardian ad litem shall be an advocate for the best interests of a minor child as to . . . legal custody The guardian ad litem shall consider the factors under s. 767.41(5)(am)"); 767.41(5)(am) (listing sixteen factors to consider in determining legal custody); and

Motion Response

Filed By: Shelia H

Submit Date: 2-21-2013

Motion Response

Filed By: Shelia H

Submit Date: 5-16-2013

Comment: 05/16/13, Rec'd GAL's letter response

OCCD CA 12-27-2012

[Opinion/Decision](#)

Judge Panel: Fine, Brennan, Kessler
Opinion: Opinion
Decision: Affirmed Pages: 19
Written by: Brennan, Kitty K.
Order Text: Order affirmed

OCCD CA	10-02-2012	Submitted on Briefs
---------	------------	---------------------

OCCD CA	07-12-2012	Briefs Received At State Law Library
---------	------------	--------------------------------------

OCCD CA	06-26-2012	Record and Briefs Sent to District 1
---------	------------	--------------------------------------

OCCD CA	06-25-2012	Reply Brief
Filed By: Renee Mura		
Comment: Reply to Noel G. Please note that the brief certification pursuant to Rule 809.19(8)(b) and (c) has been corrected on this brief. Please refer to rule 809.19 regarding the brief certification. Received 10 copies of BAP for SC use, PS 8-13-13		

OCCD CA	06-25-2012	Reply Brief
Filed By: Renee Mura		
Comment: Reply to Maegan F. Please note that the brief certification pursuant to Rule 809.19(8)(b) and (c) has been corrected on this brief. Please refer to rule 809.19 regarding the brief certification. Received 10 copies of BAP for SC use, PS 8-13-13		

OCCD CA	06-15-2012	Brief of Respondent(s)
Comment: Noel G. Appx to Brief of Respondent - Noel G., Received 10 copies of BRS for SC use. 10-3-13 PS		

OCCD CA	06-14-2012	Certificate of Filing by Mail
Comment: BRS-Maegan		

OCCD CA	06-14-2012	Reply Brief
Filed By: Renee Mura		
Comment: Pet-App's Reply to Guardian ad Litem's Brief Received 10 copies of BAP for SC use, PS 8-13-13		

OCCD CA	06-14-2012	Motion for Miscellaneous Relief
Filed By: Laurence Moon		
Submit Date: 6-14-2012		
Decision: (G) Grant		
Decision Date: 6-15-2012		
IT IS ORDERED that Noel G.'s modified briefs are deemed timely and accepted for filing.		
Comment: Motion to file modified Brief, Briefs have been redacted, Make timely?		

OCCD CA	06-13-2012	Motion for Miscellaneous Relief
---------	------------	---------------------------------

Filed By: Renee Mura
Submit Date: 6-13-2012
Decision: (G) Grant
Decision Date: 6-14-2012

IT IS ORDERED that the appellant's reply brief to the guardian ad litem's brief is accepted for filing.
Comment: Motion for permission to file reply to GAL brief

OCCD CA 06-12-2012 Delinquent

Comment: New due date of connected BRS: 6-19-2012

OCCD CA 06-12-2012 Brief of Respondent(s)

Filed By: Chris Velnetske

Comment: Brief of Maegan F. Please note that the brief certification pursuant to Rule 809.19(8)(d) has been corrected on this brief. Please be advised that the appendix has been corrected to comply with Rules of Appellate 809.19(1)(g) regarding the rules on confidentiality.

OCCD CA 06-04-2012 Certificate of Filing by Mail

Comment: For BGL filed 5/31/12

OCCD CA 05-31-2012 Brief of Guardian ad Litem

Filed By: Shelia H

Comment: Received 10 copies of BGL for SC use, PS 6-17-13 Appx to Brief of Guardian ad Litem

OCCD CA 05-07-2012 Brief & Appx of Appellant(s)

Filed By: Renee Mura

Comment: Separate Appendix. Please be advised briefs and appendix must comply with Rules of Appellate 809.19(1)(g) regarding the rules on confidentiality. Received 10 copies of BAP for SC use, PS 8-13-13 Appx to Brief of Appellant(s)

OCCD CA 04-30-2012 Supplement to Record

Comment: 74-18 to 76-1

OCCD CA 04-25-2012 Supplement to Record

Comment: 49-18 to 53-1 (Rec'd Corrected Index- 69-18 to 73-1)

OCCD CA 04-18-2012 Sua Sponte

Filed By: Unassigned District 1
Submit Date: 4-18-2012
Decision: (O) Other
Decision Date: 4-20-2012

IT IS ORDERED that the motion to supplement the record with the above-described transcript is granted. IT IS FURTHER ORDERED that the clerk of circuit court shall, within ten days of the date of this order, transmit the above-described item to the clerk of this court by supplemental return. The clerk of circuit court is advised that if an original document cannot be retrieved, the court will accept a true and correct copy of the document that is acceptable to the parties.

Comment: Motion of 03/12/12 also requested 8/25/11 transcript to be added to REC, Action?

OCCD CA 03-12-2012 Court Order

IT IS ORDERED that, if Steven P and Donna P. wish to pursue this motion, Attorney Mura shall file a supplement to the motion as described above no later than March 23, 2012.

IT IS FURTHER ORDERED that the respondents may file a response to the motion within seven days after they are served with the supplement.

See MCR event filed on 2-23-2012

OCCD CA 03-07-2012 Attorney Change

Comment: Per call from Atty., Added GAL, S. Hill-Roberts

OCCD CA 02-23-2012 Motion to Correct/Supplement Record

Filed By: Renee Mura
Submit Date: 3-8-2012
Decision: (G) Grant
Decision Date: 4-17-2012

IT IS ORDERED that the motion to correct the record by including the three items discussed in this order is granted. IT IS FURTHER ORDERED that the clerk of circuit court shall, within ten days of the date of this order, transmit the three items discussed above to the clerk of this court by supplemental return. The clerks are advised that this court will accept true and correct copies of the documents that are acceptable to all parties. IT IS FURTHER ORDERED that Steve P. and Donna P. shall have fifteen days from the date the supplemental return is filed with the clerk of this court to file an appellants brief and appendix and further briefing shall proceed in accord with the rules of appellate procedure.

Motion Response
Filed By: Renee Mura
Submit Date: 4-9-2012

Motion Response
Filed By: Shelia H
Submit Date: 4-9-2012

Motion Response
Filed By: Renee Mura
Submit Date: 4-9-2012

Motion Response
Filed By: Shelia H
Submit Date: 4-9-2012

This motion contains court order(s).

Comment: 03/12/12, Rec'd App's response; 03/16/12, Rec'd GAL's Response; 03/23/12, Rec'd App's supp to motion; 04/02/12, Rec'd GAL's response to MCR

OCCD CA 02-16-2012 Record

Comment: 1-17 to 68-1, Separate Box

OCCD CA 01-05-2012 Statement on Transcript

Filed By: Renee Mura
Status: Prev. Filed
Comment: CRS filed by Gayle Nelson on 12/21/11 of 07/18/11 transcript

OCCD CA 01-03-2012 Statement on Transcript

Filed By: Renee Mura
Status: Prev. Filed
Comment: Additional SRT from Appellant.

OCCD CA	12-21-2011	Statement on Transcript
Filed By: Renee Mura Status: Ordered		

OCCD CA	12-20-2011	Court Reporter's Statement-Trans.
Court Reporter Name: (Teeguarden, June)		

OCCD CA	12-20-2011	Statement on Transcript
Filed By: Renee Mura Status: Ordered Comment: 12/22/11, Rec'd another copy, sent in by Ct Reporter		

OCCD CA	12-19-2011	Transcript filed in Circuit Court
---------	------------	-----------------------------------

OCCD CA	12-19-2011	Motion to Extend Time
Filed By: Renee Mura Submit Date: 12-19-2011 Decision: (G) Grant Decision Date: 12-22-2011 IT IS ORDERED the appellant shall file a statement on transcript no later than 01/05/12. See Wis. Stat. Rule 809.82(2)(a) (2009-10). See SRT event filed on 12-20-2011		

OCCD CA	12-16-2011	Notif. Sent-Filing of NAP & Ct. Record
---------	------------	--

OCCD CA	12-16-2011	Fee Paid
Comment: Receipt No: 11R 003108		

OCCD CA	12-15-2011	Notice of Appeal & Circuit Court Docket Entries
---------	------------	---

OCCD CA	12-06-2011	Notice of Appeal filed in Cir. Ct.
---------	------------	------------------------------------

OCCD CA	12-05-2011	Docketing Statement from Appellant
---------	------------	------------------------------------

OCCD CA	09-20-2011	Order of Circuit Court
---------	------------	------------------------
