SUPREME COURT OF WISCONSIN

CASE NO.:	2011AP2887
COMPLETE TITLE:	In the matter of the guardianship of Giovanna P. Steve P. and Donna P., Petitioners-Appellants-Petitioners, v. Maegan F. and Noel G., Respondents-Respondents.

REVIEW OF A DECISION OF THE COURT OF APPEALS
Reported at 345 Wis. 2d 847, 826 N.W.2d 123
(Ct. App. 2012 – Unpublished)

OPINION FILED:	November 8, 2013
SUBMITTED ON BRIEFS:	
ORAL ARGUMENT:	

SOURCE OF APPEAL:	
COURT:	Circuit
COUNTY:	Milwaukee
JUDGE:	Marshall B. Murray

JUSTICES:	
CONCURRED:	
DISSENTED:	
NOT PARTICIPATING:	PROSSER, J., did not participate.

ATTORNEYS:

For the petitioners-appellants-petitioners, there were briefs by *Renee E. Mura*, and *Renee E. Mura, S.C.*, Kenosha.

For respondent-respondent Maegan F., there was a brief by *Chris Velnetske* and *Velnetske Law Offices, LLC*, Thiensville.

For respondent-respondent Noel G., there was a brief by *Laurence M. Moon*, Milwaukee.

There was a brief by guardian ad litem *Shelia R. Hill-Roberts* and *Legal Aid Society*, Milwaukee; and M*ichael J.*

Aprahamian, *Brian P. Keenan*, *Kristina J. Matic*, *Philip C. Babler*, and *Foley & Lardner LLP*, Milwaukee, attorneys for guardian ad litem.

An amicus curiae brief was filed by *J.B. Van Hollen*, attorney general, *Maria S. Lazar*, assistant attorney general, on behalf of Wisconsin Department of Children and Families.

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NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 2011AP2887
(L.C. No. 2011JG304)

STATE OF WISCONSIN : IN SUPREME COURT

In the matter of the guardianship of Giovanna P.

Steve P. and Donna P.,

Petitioners-Appellants-Petitioners,

v.

Maegan F. and Noel G.,

Respondents-Respondents.

FILED

NOV 8, 2013

Diane M. Fremgen
Clerk of Supreme Court

REVIEW of a decision of the Court of Appeals. *Dismissed as improvidently granted.*

¶1 PER CURIAM. Petitioners-appellants-petitioners, Steve P. and Donna P., are the prospective adoptive parents of Giovanna P., born November 12, 2010. Steve P. and Donna P. petitioned for review of an unpublished decision[1] of the court of appeals, which affirmed the circuit court's order[2] dismissing

[1] Steve P. v. Maegan F., No. 2011AP2887, unpublished slip op. (Wis. Ct. App. Dec. 27, 2012).

[2] The Honorable Marshall B. Murray of Milwaukee County presided.

their petition under Wis. Stat. ch. 54 for guardianship of Giovanna P. After examining the record and the briefs filed with this court, we conclude that the petition for review was improvidently granted.

¶2 The essential facts are as follows.[3] As a result of a pre-adoptive placement by an adoption agency, Steve P. and Donna P. raised Giovanna P. from birth to about ten months old. During Giovanna P.'s time with Steve P. and Donna P., respondents-respondents Maegan F. and Noel G.——Giovanna P.'s biological parents——decided they wanted custody of Giovanna P. Both Maegan F.'s and Noel G.'s parental rights were intact; neither set of parental rights had been terminated. Steve P. and Donna P. filed a petition for permanent guardianship of Giovanna P., which the circuit court dismissed on September 20, 2011. The court of appeals affirmed the circuit court. This court granted review.

¶3 Giovanna P. currently resides in a foster home——her third placement since she was removed from Steve P.'s and Donna P.'s custody.[4] Giovanna P. has never been in the custody

[3] We take the essential facts of this case both from the record and from the parties' and the guardian ad litem's (GAL) periodic reports of developments in various ongoing circuit court proceedings addressing Giovanna P.'s custody and placement. This court required the filing of these periodic reports in an earlier order.

[4] On September 20, 2011, immediately after the circuit court dismissed Steve P.'s and Donna P.'s petition for guardianship of Giovanna P., the circuit court placed Giovanna P. in a temporary licensed foster home for two days until a relative placement could be approved. On September 22, 2011, Giovanna P. was placed with her maternal grandmother, with whom she lived for

of either of her biological parents: Noel G. has been imprisoned since Giovanna P.'s birth, and Maegan F. has failed to satisfy the conditions established for Giovanna P.'s placement with her.

¶4 Giovanna P. is currently the subject of two pending cases in Milwaukee County Circuit Court. First, Giovanna P. is the subject of a child in need of protection and services (CHIPS) case. On January 19, 2012, the circuit court found Giovanna P. to be a child in need of protection and services pursuant to Wis. Stat. § 48.13(8). A CHIPS extension order remains in effect. Second, on July 8, 2013, the Milwaukee County District Attorney's Office filed a petition to terminate Noel G.'s and Maegan F.'s parental rights to Giovanna P. A jury trial in the termination of parental rights (TPR) case is scheduled for January 13, 2014. As required by statute, the circuit court has appointed a GAL to advocate for Giovanna P.'s best interests in the TPR case. See Wis. Stat. §§ 48.235(1)(c); 48.235(3)(a). The circuit court has appointed a different GAL in the TPR case than the GAL involved in the guardianship matter currently before this Court.

¶5 Because it appears that the above-described circuit court proceedings may fully and finally resolve Giovanna P.'s

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eleven months. This placement ended after the Bureau of Milwaukee Child Welfare determined that the grandmother could not maintain a safe, appropriate, and stable living environment for Giovanna P. On August 28, 2012, Giovanna P. was placed in the foster home where she currently resides.

custody and placement status in the coming few months, we dismiss the petition for review as improvidently granted.

¶6 We note that on September 6, 2013, Steve P. and Donna P. filed a "Motion for Clarification and Sanctions" regarding the GAL's retention of counsel and the brief-in-chief filed by counsel on the GAL's behalf. Because we have determined that the petition for review should be dismissed as improvidently granted, we need not address this motion.

¶7 *By the Court*. The review of the decision of the court of appeals is dismissed as improvidently granted.

¶8 DAVID T. PROSSER, J., withdrew from participation.