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**DISTRICT II**

November 20, 2024

To:

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You are hereby notified that the Court has entered the following opinion and order:

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2023AP1080

In re the marriage of: Stephen Kis v. Namyoung Kim  
(L.C. #2014FA891)

Before Neubauer, Grogan and Lazar, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Stephen Kis appeals from circuit court orders voiding a parent coordinator stipulation/order and imposing a remedial sanction for contempt. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).<sup>1</sup> For the reasons that follow, we affirm in part and reverse in part.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Stephen Kis and Namyoung Kim were divorced in 2016. They have one child, N.K., who was five years old at the time of the divorce. Kis and Kim agreed to be awarded joint legal custody and shared placement of N.K.

On November 29, 2018, a court order was entered pertaining to Kim's planned travel with N.K. abroad. The order states in relevant part:

1. Commencing 2019, the Respondent-Mother will provide at least sixty (60) days notice, via Our Family Wizard, of her intent to exercise her annual South Korea trip. The Petitioner-Father shall have forty-eight (48) hours to object in writing.
2. The Petitioner-Father's acquiescence shall not be unreasonably withheld. If there is no objection from the Petitioner-Father, the Respondent-Mother shall book her flights accordingly. The Respondent-Mother shall provide proof of the round-trip travel information to the Petitioner-Father through Our Family Wizard within forty-eight (48) hours from booking said flights.

Over three years later, on January 19, 2022, the parties submitted a document entitled "Stipulation & Order Appointing Parent Coordinator." The document relied on WIS. STAT. § 802.12 to authorize the parent coordinator's role, which was to "help implement Court Orders, mediate disputes, and make decisions, pursuant to their authority granted in this Order, relating to child issues." The document explains:

The Parent Coordination Process seeks to reduce conflict between parties, reduce chronic litigation, and assist parent[s] in the expedited resolution of disputes. By engaging in the process, the parents waive their right to pursue these issues in Court at this time, and instead resolve the disputes in the Parent Coordination Process. The parents understand that do[es] not waive their right to pursue a review of the Parent Coordinator decisions, as allowed by law, or pursue Court if the Parent Coordination process is terminated.

The court commissioner signed the parent coordinator stipulation/order without a hearing. Per the terms of the document, the duration of the parent coordinator's appointment was for two years.

On January 9, 2023, Kim sent Kis a message, providing notice of her intent to take N.K. with her to South Korea for two weeks in July 2023. Kis promptly objected, citing Kim's alleged noncompliance with past orders while traveling.<sup>2</sup> He suggested that they discuss the matter with the parent coordinator.

Kim believed that Kis was unreasonably withholding his acquiescence to her vacation placement request in violation of the November 29, 2018 court order. Accordingly, she filed a motion asking the circuit court to find him in contempt. Kis responded with a motion to dismiss, noting that Kim was required to use the parent coordinator before commencing litigation.

Before any hearing on Kim's motion, the parent coordinator issued a determination addressing Kim's vacation placement request and N.K.'s COVID booster shot. Kim's attorney filed a letter with the circuit court, asking that it vacate portions of the determination. The court did so. Additionally, the court noted that the parent coordinator was never approved by a judge.

After a hearing on Kim's motion, the circuit court issued orders voiding the parent coordinator stipulation/order and finding Kis in contempt. The contempt finding was based on the court's determination that Kis' "acquiescence was, in fact, unreasonably withheld" in violation of the November 29, 2018 court order. As a remedial sanction, the court imposed and

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<sup>2</sup> The alleged noncompliance with past orders while traveling included (1) failing to require N.K. to wear a mask at all times when he was out in public, including waterparks and restaurants; and (2) failing to provide Kis with a Skype call with N.K.

stayed ten days in jail with the right to purge if Kis cooperated with Kim’s vacation placement, which it approved. The court also addressed the issue of N.K.’s COVID booster shot and required Kis to pay Kim \$1,000 in attorney’s fees. This appeal follows.

On appeal, Kis contends that the circuit court erred in entering its orders. He submits that the parent coordinator stipulation/order was valid and that there was no continuing contempt to warrant the remedial sanction imposed.

Like the circuit court, we question the basis for the parent coordinator stipulation/order in this case. Although the document relied on WIS. STAT. § 802.12 to authorize the parent coordinator’s role, that statute does not appear to apply.<sup>3</sup> In any event, we need not resolve the question because the parent coordinator’s appointment has since expired and the matter is now moot. See *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425 (“An issue is moot when its resolution will have no practical effect on the underlying controversy.”). Therefore, we affirm the court’s determination as to the first issue.

As to the second issue, we agree with Kis that the circuit court erred in imposing its remedial sanction against him. Remedial sanctions may be imposed only to terminate a continuing contempt. WIS. STAT. § 785.01(3) (“‘Remedial sanction’ means a sanction imposed for the purpose of terminating a continuing contempt of court.”); *Christensen v. Sullivan*, 2009 WI 87, ¶54 320 Wis. 2d 76, 768 N.W.2d 798. Here, there was no continuing contempt on the part of Kis once Kim’s vacation placement request was approved. The court could not use a

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<sup>3</sup> There is no reference to “parent coordinators” in WIS. STAT. § 802.12, which addresses alternative dispute resolution. Moreover, the statute references a “judge” having the power to require the parties to participate in a settlement alternative, not a court commissioner. Sec. 802.12(2)(a).

remedial sanction to prospectively preclude Kis from interfering with that vacation placement. Consequently, we reverse that portion of the contempt order.

Accordingly, we affirm in part and reverse in part. We award no costs to the parties.<sup>4</sup>

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed in part and reversed in part, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*

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<sup>4</sup> To the extent we have not addressed an argument raised by the parties on appeal, the argument is deemed rejected. See *State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).