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**DISTRICT I**

May 22, 2019

To:

Hon. David L. Borowski  
Circuit Court Judge  
Milwaukee County Courthouse  
901 N. 9th St.  
Milwaukee, WI 53233

John Barrett  
Clerk of Circuit Court  
Room G-8  
901 N. 9th Street  
Milwaukee, WI 53233

Masia D. Walker  
1102 W. Keefe Ave.  
Milwaukee, WI 53206

Venise L. Williams  
2803 N. 53rd St.  
Milwaukee, WI 53210

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

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2016AP2115

Venise L. Williams v. Masia D. Walker (L.C. # 2016CV4582)

Before Brennan, Brash and Dugan, 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).**

Masia D. Walker appeals the circuit court's order changing the name of his minor son. Walker contends that the circuit court erred in granting the petition for name change brought by Venise L. Williams, the child's mother. After review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

Williams filed a petition to change the name of her son born on June 6, 2011, from Vayden Lamaine Williams to Vayden Lamaine Shaquille Dickens. Walker, who is incarcerated, filed a written objection to the name change. A hearing was held on September 26, 2016. Walker appeared via video from prison. After the hearing, the circuit court granted the petition.

Walker argues that the circuit court should not have granted the petition for name change without his consent because he has a relationship with his son. He explains that he is regularly in contact with his son via phone calls, visits, and letters, and he wants to continue to remain in his son's life. Walker also says that he has a good relationship with his son's maternal relatives. He has attached to his notice of appeal letters from his son's maternal grandmother and maternal great-grandmother supporting Walker's continued relationship with his son.

In light of Walker's arguments, we wish to clarify at the outset the effect of the circuit court's order from which this appeal is taken. The circuit court changed the child's name but placed no limitation on Walker's continued relationship with his son. Walker remains the boy's father and may continue to freely interact with his son and his son's maternal relatives.

Turning to the legal question before this court, as a general rule both parents must jointly petition to change the name of a child. *See* WIS. STAT. § 786.36. However, if one parent brings a petition to change the name of a minor child, the petition will not be granted without the consent of the non-petitioning parent as long as the non-petitioning parent shows that he or she has not abandoned the child or failed to assume parental responsibility, as those concepts are defined in WIS. STAT. §§ 48.415(1) and (6). *See* § 786.36(1m)(b). Stated more simply, Walker had the burden to establish by presenting evidence to the circuit court that he has not abandoned the child or failed to assume parental responsibility.

We do not know what occurred at the name change hearing on September 26, 2016, because Walker did not provide a transcript of the hearing to this court. Because Walker has appealed the circuit court’s order, he has the duty to ensure that the appellate record is sufficient to permit us to review the issues raised. *See State Bank of Hartland v. Arndt*, 129 Wis. 2d 411, 423, 385 N.W.2d 219 (Ct. App. 1986). Without a transcript, we do not know what arguments Walker made to the circuit court and we do not know what evidence Walker presented to the circuit court to show that he has not abandoned the child or failed to assume parental responsibility.<sup>2</sup> Thus, we are unable to determine whether the circuit court’s decision was properly made. Where, as here, the record is incomplete, we must assume that the record “supports every fact essential to sustain the [circuit] court’s exercise of discretion.” *See id.* Therefore, we affirm the circuit court’s order granting the petition to change the child’s name.

Again, we advise Walker that the order changing his son’s name does not impact his parental rights in any way.

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>2</sup> There is no indication that the circuit court received or considered the letters from the child’s maternal relatives because the letters are not part of the appellate record. They were attached to Walker’s notice of appeal.