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**DISTRICT IV**

August 29, 2024

To:

Hon. Scott L. Horne  
Circuit Court Judge  
Electronic Notice

Christina Marie Beckner  
844 Winneshiek Road  
La Crosse, WI 54603

Tammy Pedretti  
Clerk of Circuit Court  
La Crosse County Courthouse  
Electronic Notice

Richard Wayne Beckner  
453 21st Street  
La Crosse, WI 54601

S. Joseph Randtke  
Electronic Notice

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

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2023AP1539

Christina Marie Beckner v. Richard Wayne Beckner  
(L.C. # 2016FA288)

Before Kloppenburg, P.J., Blanchard, and Taylor, 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).**

Christina Beckner appeals a July 2023 postjudgment order that denied her motions to hold respondent Richard Beckner in contempt and to award her sole legal custody and primary physical placement of the parties' minor child. Instead, the circuit court adopted the guardian ad litem's recommendation and granted Richard's request for sole legal custody and primary physical placement. Based on 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>  
We affirm.

The parties were divorced in 2016, when their minor child was just a few months old. Following their divorce, the parties exercised joint legal custody and shared physical placement of their minor child. In July 2022, Christina moved to modify legal custody and physical placement of the parties' child to award Christina sole legal custody and primary physical placement and for Richard to be found in contempt for allegedly withholding the child during Christina's placement periods. In March 2023, Christina brought a second motion for contempt against Richard for allegedly not following the physical placement exchange procedure when transferring the child.

Christina appeals the circuit court's July 2023 order which denied her contempt motions and awarded Richard sole legal custody and primary placement of the parties' minor child.

On appeal, Christina does not develop a legal argument explaining her assertion that the circuit court erred in its contempt decision. She states only that the circuit court "could have provided relief by compelling Richard ... to return the minor child" under WIS. STAT. § 767.471(5). That statute allows for various remedies after a parent is found in contempt for violating physical placement orders, but only after a finding that the parent to be held in contempt "has intentionally and unreasonably denied the moving party one or more periods of physical placement or that the responding party has intentionally and unreasonably interfered with one or more of the moving party's periods of physical placement." WIS. STAT.

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

§ 767.471(5)(b). Christina testified at the hearing, but did not describe any events that would have supported such a finding. Therefore, we affirm the court’s denial of the contempt motions.

In regards to the circuit court’s award of sole legal custody and primary physical placement to Richard, Christina again does not develop a legal argument on appeal, but asserts that the court “did not reasonably consider the circumstances of the family nor the best interest of the minor child.”

The transcript of the hearing does not support Christina’s assertion. The circuit court stated that it was giving “significant weight” to the written recommendation of the guardian ad litem. That recommendation described relationship difficulties between the parties and serious concerns about Christina’s relationship with and parenting of the minor child. The court also noted specific aspects of Christina’s conduct that gave it concern about her ability to participate effectively in a joint custody arrangement. The court found that the parties are not able to cooperate in a joint custody arrangement at this time, which is a basis under WIS. STAT. § 767.41(2)(b)2.c. for overcoming the presumption of joint legal custody set forth in WIS. STAT. § 767.41(2)(am).

In its decision to award primary physical placement to Richard, the circuit court also expressly considered the “significant” needs of the child, and the comparative abilities of the parents to meet those needs. The court also considered the child’s comfort in Richard’s home, Christina’s mental health needs, and the criminal and substance use histories of the parties, which are all appropriate placement factors under WIS. STAT. § 767.41(5). Custody and placement modification decisions lie within the circuit court’s discretion and will be upheld if the court applied the correct legal standard to reach a reasonable result. *Landwehr v. Landwehr*,

2006 WI 64, ¶7 & n.6, 291 Wis. 2d 49, 715 N.W.2d 180. Christina does not develop an argument that the circuit court erroneously exercised its discretion, other than to say that the court did not reasonably consider the circumstances of the family or the best interests of the child. Our review of the record shows that the court adequately considered the circumstances of the parties and best interests of the child. In sum, Christina fails to show on appeal that the circuit court erroneously exercised its discretion in awarding Richard sole legal custody and primary physical placement of the parties' minor child.

IT IS ORDERED that the order is summarily affirmed under 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*