



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

April 30, 2013

To:

Hon. Guy D. Dutcher
Circuit Court Judge
Waushara County Courthouse
209 S Saint Marie St
Wautoma, WI 54982

Melissa M. Zamzow
Clerk of Circuit Court
Waushara County Courthouse
PO Box 507, 209 S. Saint Marie St.
Wautoma, WI 54982

Ruth A. Zouski
Corporation Counsel
209 S. St. Marie St.
P. O. Box 300
Wautoma, WI 54982-0300

Sara L. Doucette
N1876 County Road T
Endeavor, WI 53930

Shane D. Kozlowski
433 W. Wilson Avenue
Stevens Point, WI 54481

Joan A. Olson
Joan A. Olson Law Office
P. O. Box 217
Wautoma, WI 54982-0217

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

2012AP294

In re the paternity of C. A. K.: Sara L. Doucette p/k/a Sara L.
Pierotti v. Shane D. Kozlowski (L.C. # 2006PA12PJ)

Before Lundsten, P.J., Higginbotham and Blanchard, JJ.

Sara Doucette appeals an order revising a paternity judgment as to placement and other matters. 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(1) (2011-12).¹ We affirm.

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

Doucette first argues that no study of her home occurred under WIS. STAT. § 767.405(14). She states that this was never “talked about or offered at any hearing.” Doucette does not cite any law that requires the court or anyone else to offer such a study, and apparently Doucette did not ask for one herself. Furthermore, as respondent Shane Kozlowski points out, an Adams County health and human services employee did visit Doucette and testified about conditions there. The court also received a report from Orion Family Services evaluating Doucette’s household. Doucette has not persuaded us that an error occurred on this point.

Doucette next argues that the court did not make a proper consideration of the factors for deciding physical placement under WIS. STAT. § 767.41(5). 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, 291 Wis. 2d 49, 715 N.W.2d 180. Doucette’s argument basically is that the court failed to give more weight to certain facts that Doucette believes favor her. However, it is clear from the court’s decision that the court considered the relevant statutory factors and gave more weight to other facts, not mentioned by Doucette, and reached a decision that was reasonable.

Finally, Doucette argues that a violation of WIS. STAT. § 767.41(6)(a) occurred. That statute requires, in cases where placement is contested, that the court “state in writing why its findings relating to legal custody or physical placement are in the best interest of the child.” The order in this case arguably does not do that, because it contains no discussion of the court’s factual findings or best-interest determination, and contains only provisions governing the new placement. However, even if we assume this statute was violated, Doucette has not developed a legal argument explaining why this violation would be a basis to reverse the order. The court’s oral decision provided a detailed discussion of the points that § 767.41(6)(a) directs to be

included in the order. There is no reason to believe the court's ultimate decision, if reduced to a written order, would be any different.

IT IS ORDERED that the order appealed is summarily affirmed under WIS. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals