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CLERK OF WISCONSIN

SUPREME COURT

April 15, 2024

**To:**

Hon. Jerilyn M. Dietz  
Circuit Court Judge  
Electronic Notice

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Clerk of Circuit Court  
Manitowoc County Courthouse  
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

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No. 2024AP325-W

K.H. v. Circuit Court for Manitowoc County, L.C.#2019JC133

On February 21, 2024, K.H., through her counsel, Attorney Timothy A. Provis, filed, as a single document: a Petition for Supervisory Writ and Motion for Emergency Stay; a Memorandum Supporting Petition for Supervisory Writ; and supporting exhibits. This filing arose from consolidated Wis. Stat. ch. 48 Children in Need of Protective Services (CHIPS) proceedings in which K.H. was found in contempt of court for revealing confidential information protected by Wis. Stat. § 48.981(7). The exhibits appended to K.H.'s supervisory writ filing included a pleading, an order, and a transcript of a hearing in the underlying CHIPS cases that reveal the names and dates of birth of the children in whose interest the proceedings were commenced. Cf. Wis. Stat. § 48.396(2)(a) ("Records of the court assigned to exercise jurisdiction under this chapter . . . shall be entered in books or deposited in files kept for that purpose only. Those records

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shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction . . . .”); State v. Bellows, 218 Wis. 2d 614, 628-631, 582 N.W.2d 53 (Ct. App. 1998) (discussing the importance of maintaining confidentiality of juvenile court records under Ch. 48, including records in CHIPS proceedings). This court, sua sponte, placed K.H.’s February 21, 2024 filing under temporary seal.

On February 22, 2024, this court entered an order that: (1) denied the February 21, 2024 petition for supervisory writ and emergency motion for stay filed by K.H.; and (2) directed Attorney Provis to file a redacted version of K.H.’s February 21, 2024 filing, with all confidential information protected by statute removed, within 14 calendar days from the date of the order. Attorney Provis did not do so. On March 29, 2024, this court entered an order directing that “within seven calendar days of the date of this order, Attorney Timothy Provis shall file a redacted version of K.H.’s February 21, 2024 filing, with all confidential information protected by statute removed, or show good cause, in writing, for not filing the redacted version.”

On April 4, 2024, Attorney Provis responded to the court’s March 29, 2024 order. The response, inter alia, indicated: “counsel is somewhat at a loss as to how to redact any confidential information from the writ previously filed as he does not find any such information”; “[n]owhere in the writ filing in this Court is any of this confidential information revealed”; “the court of appeals, in which counsel filed an identical writ before coming to this Court, never ordered counsel to redact anything”;<sup>1</sup> and “the Court has sealed the writ filed under the above noted case number. If counsel’s analysis is incorrect, any information in the writ petition and exhibits is sealed and so remains confidential thus satisfying the concern expressed in the statute.”

As set forth above, K.H.’s filing, in fact, contained information and documents deemed confidential by law. Counsel is reminded that pursuant to the Wisconsin Rules of Appellate Procedure, specifically Wis. Stat. § (Rule) 809.801(14)(a), “[n]o person in possession of a confidential electronic record, or an electronic or paper copy thereof, may release the information to any other person except as provided by law” and that sub. (b) of that statute directs that “[p]arties shall exercise care with respect to redaction of protected information, as defined in s. 801.19 (1), identification of confidential material, and sealing of filed documents.” Therefore,

IT IS ORDERED that within 14 days from the date of this order, Attorney Timothy Provis shall re-file K.H.’s February 21, 2024 filing in accordance with the following directions: (1) a copy of the Petition for Supervisory Writ and Motion for Emergency Stay and Memorandum Supporting Petition for Supervisory Writ shall be filed as a single document that shall be placed on the court’s public docket; and (2) the exhibits that were attached to K.H.’s February 21, 2024 filing shall be filed as a separate document under seal; and

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<sup>1</sup> The clerk of the court of appeals sua sponte marked K.H.’s filings in the court of appeals as “Confidential.” See K.H. v. Circuit Court for Manitowoc County, No. 2024AP139-W.

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IT IS FURTHER ORDERED that K.H.'s original February 21, 2024 filing will remain under seal on the docket.

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Samuel A. Christensen  
Clerk of Supreme Court