



OFFICE OF THE CLERK
Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

FILED

05-28-2024

CLERK OF WISCONSIN

SUPREME COURT

May 28, 2024

To:

Hon. Jerilyn M. Dietz
Circuit Court Judge
Electronic Notice

April Higgins
Clerk of Circuit Court
Manitowoc County Courthouse
Electronic Notice

Peter J. Conrad
Electronic Notice

Brian Keenan
Electronic Notice

Timothy A. Provis
Electronic Notice

James R. Donohoo
4211 S. 122nd. St.
Greenfield, WI 53228

Jacqueline Lorenz Sehloff
Alpert & Fellows, LLP
P.O. Box 994
Manitowoc, WI 54221-0994

James J. Skyberg
Skyberg Law Offices
1110 S. Eighth St.
Manitowoc, WI 54220

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

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, which were not filed under seal, 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

Page 2

May 28, 2024

No. 2024AP325-W

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

proceedings were commenced.¹ 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 comply with this court's February 22, 2024 order.

On March 29, 2024, this court, by its clerk and commissioners, 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";² 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."

On April 15, 2024, this court, by its clerk and commissioners, entered another order, identifying the specific information contained in K.H.'s original filing that is confidential and directing Attorney Provis to, within 14 days, refile K.H.'s original supervisory writ filing as two separate documents, with (1) the Petition for Supervisory Writ and Motion for Emergency Stay and Memorandum Supporting Petition for Supervisory Writ filed as a single document that shall

¹ Pursuant to 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 shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction . . ." The Wisconsin Rules of Appellate Procedure, specifically Wis. Stat. § (Rule) 809.801(14)(a)-(b), provide that "[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 direct 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." See also 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).

² 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.

Page 3

May 28, 2024

No. 2024AP325-W

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

be placed on the court's public docket and (2) the original exhibits refiled as a separate document under seal.

Attorney Provis did not comply with this court's April 15, 2024 order.

Attorney Provis is now in violation of three court orders and Wis. Stat. §§ 48.396(2)(a) and (Rule) 809.801(14)(a)-(b). Nonetheless, this court will provide Attorney Provis with a final opportunity to correct the above deficiencies. Attorney Provis is cautioned that failure to do so may result in the imposition of sanctions or other appropriate action. Therefore,

IT IS ORDERED that within seven calendar 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) a copy of the exhibits that were attached to K.H.'s February 21, 2024 filing shall be filed as a separate document under seal;

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

IT IS FURTHER ORDERED that failure to timely comply with this order may result in the imposition of sanctions on Attorney Timothy Provis or other appropriate action.

Samuel A. Christensen
Clerk of Supreme Court