

**FILED
10-26-2021
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STATE OF WISCONSIN

COURT OF APPEALS

DISTRICT II

Case No. 2021AP001436

In re the finding of contempt in:

In re the marriage of:

JULIE C. VALADEZ,

Appellant,

v.

THE HONORABLE MICHAEL J. APRAHAMIAN,

Respondent.

On Notice of Appeal from an Order of Contempt
Made on August 13, 2021 and Entered on August 17,
2021, in the Waukesha County Circuit Court, the
Honorable Michael J. Aprahamian, Presiding

BRIEF OF APPELLANT

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ISSUES PRESENTED

1. Did the circuit court act outside its authority when it sua sponte entered an order to show cause and found Ms. Valadez in contempt?

The circuit court found Ms. Valadez in contempt of court despite her objections to the procedure used.

2. If the circuit court properly began contempt proceedings on its own, did it erroneously exercise its discretion when it found Ms. Valadez in contempt?

The circuit court found Ms. Valadez in contempt of court.

POSITION ON ORAL ARGUMENT AND PUBLICATION

Neither oral argument nor publication is requested. The briefs should adequately set forth the arguments and publication will likely be unwarranted as the issues presented can be decided on the basis of well-established law.

STATEMENT OF THE FACTS AND CASE

On March 2, 2018, Julie C. Valadez filed for divorce from her husband, Ricardo Valadez. (3). A court trial was held and a judgment of divorce was entered on April 9, 2020. (182). The Honorable

Michael J. Aprahamian has presided over the case since it began.

The procedural history of this case is complicated, however, as relevant background, the following events have led to the finding of contempt which is before the court in this appeal.

On February 19, 2021, the circuit court, in response to receiving an email from Ms. Valadez, sua sponte scheduled an order to show cause hearing and a notice of hearing was filed. (424; 442:1).

Before that hearing was held, the Guardian ad Litem (GAL) in this case filed letters with the circuit court expressing concern for one of the children and requesting that the circuit court immediately modify placement of that child to place him in Mr. Valadez's care. (431;434). In response, three days prior to the contempt hearing, the circuit court entered a note on CCAP stating that the letter would be addressed at the contempt hearing.

A contempt hearing was held on March 18, 2021, and, after hearing from Ms. Valadez and her counsel, the circuit court found Ms. Valadez in contempt for willfully and intentionally violating its court order not to email him. (442; 464:3-5). Ms. Valadez's attorney was then excused from the proceedings and the court turned to the remaining issues in the family case that it wanted to address. (464:6). Specifically, the circuit court began to address the GAL's "request for some emergency relief." (464:7). In response, Ms. Valadez requested clarification, noted she did not receive any

notice or motion that an emergency change of placement would be addressed, and objected to the court proceeding with the hearing. (464:7-13). This exchange between Ms. Valadez and the circuit court resulted in the court making a second finding of contempt.¹ (442; 464:13-14). The circuit court also entered a temporary order suspending Ms. Valadez's placement of the child "until further order of the Court." (441).

After the contempt hearing, on March 22, 2021, the GAL filed a motion to modify placement and request for a psychological evaluation. (445). In it, the GAL sought a change in placement of the other children as well as a psychological evaluation of Ms. Valadez. (480:8-9). The change in placement of all children was addressed at a hearing the next day, March 23, 2021. (480). At which time, the court entered an order for a family court services study to be conducted and continued the hearing without making a final decision on the motion for an emergency change of placement. (480:127-130).

Subsequently, at a status hearing held on June 2, 2021, the circuit court again summarily found Ms. Valadez in contempt. (559). At that hearing, the circuit court asked the worker assigned to do the custody study about the status of her investigation and was informed that the worker needed Ms. Valadez to

¹ Both findings of contempt from the March 18, 2021, hearing are the subject of a pending appeal before this court in case number 2021AP000994.

sign a release for Health and Human Services records. (562:16-17). The circuit court questioned Ms. Valadez about the release, ordered her to sign it, and then found her in contempt when she refused to do so.² (562:17-32). Ms. Valadez then signed the release and the circuit court found that, in doing so, she “purged the contempt,” so she would not be taken into custody. (562:33-34).

The motion for an emergency change of placement of the children has since been continued several times, with testimony being heard over hearings on multiple dates, and has yet to be resolved. The latest hearing held on the motion to change placement, as well as other matters, was held over the course of three days: July 28, 29, and 30, 2021. (695-699).

On July 28, 2021, a recess was taken during the hearing, after which Ms. Valadez did not return to the courtroom. (696:28-33). According to the record, she had gone to the restroom and ultimately an ambulance was called at her request. (696:31-35). In her absence the circuit court decided to grant the GAL’s prior written request for a psychological evaluation, noting that it did “not need to hear another bit of evidence just given what [it] witnessed,” and then summarized its observations of what occurred since the recess was taken. (696:39-40). The proceedings resumed with Ms. Valadez present the next two days.

² This finding of contempt is the subject of the pending appeal before this court in case number 2021AP001186.

While Ms. Valadez was testifying on July 30, 2021, it came out that after she signed the release for Health and Human Services records in court on June 2, 2021, she called and revoked that release by informing the department that it was signed under coercion or threat from the judge. (699:86-87). The records, however, had already been released to the worker conducting the family study. (699:87).

After testimony concluded that day, the circuit court noted that the parties had not finished presenting their evidence so the hearing would have to be continued. (699:171). It then reiterated that it was ordering that Ms. Valadez undergo a psychological evaluation and that it be completed by September 15, 2021. (699:174-175). With respect to the Health and Human Services release, the following exchange occurred between the court and parties:

I am concerned that you violated my prior order. Not the contempt issue that Mr. Hughes is here on, I'm holding off on that because I think there may be additional evidence. I understand where Mr. Hughes is coming from but the order that I told you to sign the release and you called them and revoked that release.

I don't know why I shouldn't put you in jail for that. You could spend the weekend in jail for that. That's what I'm thinking. Do you want to address that, Mr. Green, or Mr. Schuster?

...

So you need to impress upon her that she needs to follow my orders and when I tell her to sign a release that's for now and for forever that she signs that release and she can't revoke or back out of it. *I want you to prepare the order that says she or that the, it is CPS, needs to provide the*

information. Is that the order you wanted, Mr. Schuster?

MR. SCHUSTER: Yes, I mean –

THE COURT: *We don't need to have another release. I'll just issue an order.*

MR. SCHUSTER: Then the order that states that her revocation because I believe it's an email thread.

THE COURT: But why do they even need a release if I just make an order that they need to release the information.

MS. JASMER: I think they're going to require a release, Your Honor.

THE COURT: All right. *You need to prepare the order to make that so and that needs to be done by Wednesday.* So that information can be provided in a time enough period so we can address anything that we may need to address by October 4th, understood, Mr. Green?

MR. GREEN: Yes, Your Honor.

THE COURT: Otherwise I will be holding her in contempt. I will have a jail sanction and maybe or maybe not I'll have a purge, understand?

MR. GREEN: I do understand, Your Honor.

(699:182-186)(emphasis added).

Following that hearing, on August 6, 2021, the circuit court signed an order regarding psychological evaluation and scheduling. (670). No written order

regarding the release of CPS records was filed or signed by the court. (708:7; App. 13).

Thereafter, on August 9, 2021, the GAL filed a letter informing the circuit court that Ms. Valadez had not completed the paperwork or contacted the doctor to schedule a psychological evaluation. (672). The GAL did not ask that the circuit court take any action with respect to the information provided.

After reviewing the GAL's letter, the circuit court filed an order to show cause for contempt, ordering Ms. Valadez to appear before him three days later, on August 13, 2021, to show cause why she should not be held in contempt for failure to comply with the July 30, 2021, orders regarding the psychological evaluation and release of records. (674).

At the beginning of the contempt hearing, trial counsel for Ms. Valadez made a number of objections to the notice provided and the procedure being used by the court. (708:4-5; App. 10-11). Specifically, he advised the circuit court that non-summary contempt proceedings cannot be initiated by the judge. (708:5; App. 11). The circuit court, however, overruled the objections, stating:

First off, this is in part summary because it's a continuation of the summary contempt that I found in June and also as I indicated in other filings in this case I have inherent authority to proceed with contempt.

I did file an Order to Show Cause regarding contempt this week, Document 674, relating to two issues that I was concerned about.

(708:5; App. 11).

The circuit court then explained that it was very concerned when it learned on July 30th that Ms. Valadez had called to revoke the authorization for the release of records that he had previously ordered her to sign and that he therefore, ordered Ms. Valadez's attorney to "make sure that that information was released and that there be some documentation supporting that by August 4th." (708:6; App. 12). It stated that it was watching to see if anything had been filed with the court and had reached out to the attorney about it and had not received a response. (708:7; App. 13). The circuit court then asked the custody study worker whether she had received the information and she replied that she had not received a new signed release but had received the requested records up to the date of the June 2, 2021, release. (708:7; App. 13).

Rather than taking any testimony, the circuit court then asked Ms. Valadez's counsel whether Ms. Valadez had signed the release by August 4th. (708:7; App. 13). In response, counsel explained that he had no information about it. (708:8; App. 14).

The circuit court then turned to the other basis for contempt – the order regarding psychological evaluation – and noted that it had received information from the GAL that the requirements in

that order had not been complied with. (708:8; App. 14). It asked Ms. Valadez's attorneys whether that had been complied with and each responded that they did not know. (708:8-9; App. 14-15). The circuit court then found Ms. Valadez in contempt, stating that she "willfully and intentionally" violated its orders. (708:6; App. 15).

The circuit court noted that if Ms. Valadez were present she would have the right to allocution but because she was not, it was going right to the sanction. (708:10-11; App. 16-17). It then stated:

I'm sanctioning her 30 days in jail on each contempt. I'm going to run those concurrently. She can purge the contempt by facilitating the release of HHS information to Ms. D'Acquisto. This is information I ordered to be released back on June 2nd and it's now August and we have a hearing coming up in October. And that's information she needs, as indicated, for her investigation.

The second purge is she has to undergo a psyche evaluation by Dr. Gust-Brey as ordered on July 30th. If she completes those purges, I will consider vacating the sanction or staying it. But until that's done, she'll serve that sentence. It will be for Huber -- Huber for work and to any steps that she needs to complete the purge.

I'm ordering a capias for her arrest and she will go into custody forthwith.

(708:11; App. 17).

A bench warrant was filed that day and the written order of contempt was signed on August 17, 2021. (688; 694; App. 3-6).

Ms. Valadez sought an emergency stay of the bench warrant and order of contempt, which this court granted on August 18, 2021. After subsequent briefing, this court also granted Ms. Valadez's request for a stay of the order pending appeal.

This appeal of the order of contempt follows.

ARGUMENT

The circuit court acted without authority when it initiated the contempt action on its own, employing a procedure outside of that provided by Ch. 785, Wis. Stats. Further, even if it had the authority to find Ms. Valadez in contempt, it erroneously exercised its discretion in doing so. Consequently, the finding of contempt and sanction must be vacated.

I. Legal Standards and Standard of Review.

While stemming from the court's inherent authority, the circuit court's contempt power has been regulated by the legislature as set forth in Chapter 785, Wis. Stats. *Frisch v. Henrichs*, 2007 WI 102, ¶32, 304 Wis. 2d 1, 736 N.W.2d 85.

Specifically, § 785.01(1) provides the definition of "contempt of court." As relevant to this case, contempt of court includes intentional "[m]isconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the respect due the court," as well as intentional "[d]isobedience, resistance or obstruction

of the authority, process or order of a court.” Wis. Stat. § 785.01(1)(a)-(b).³

The statutes provide for summary and nonsummary procedures through which a court may impose either remedial or punitive sanctions after finding that a contempt of court was committed. Wis. Stats. §§ 785.02, 785.03.

Nonsummary contempt proceedings may be initiated in one of two ways. First, by motion of an aggrieved person, someone other than the court, seeking imposition of a remedial sanction. Wis. Stat. § 785.03(1)(a); *Evans v. Luebke*, 2003 WI App 207, ¶23, 267 Wis. 2d 596, 671 N.W.2d 304. Or second, the district attorney, attorney general, or special prosecutor, on his own initiative or at the request of a party or judge, may seek a punitive sanction “by issuing a complaint charging a person with contempt of court and reciting the sanction sought to be imposed.” Wis. Stat. § 785.03(1)(b).

³ Under Wis. Stat. § 785.01(1) “contempt of court” also includes intentional:

...

- (bm) Violation of any provision of s. 767.117(1);
- (br) Violation of an order under s. 813.1285(4)(b)2.;
- (c) Refusal as a witness to appear, be sworn or answer a question; or
- (d) Refusal to produce a record, document or other object.

On the other hand, under the summary contempt procedure, a judge “may impose a punitive sanction upon a person who commits contempt of court in the actual presence of the court.” Wis. Stat. § 785.03(2). The summary contempt procedure may be used if all of the following circumstances are present: (1) the contumacious act must have been committed in the actual presence of the court; (2) the sanction must be imposed for the purpose of preserving order in the court; (3) the sanction must be imposed for the purpose of protecting the authority and dignity of the court; and (4) the sanction must be imposed immediately after the contempt. *Matter of Finding of Contempt in State v. Kruse*, 194 Wis. 2d 418, 429-30, 533 N.W.2d 819 (1995) (citing *Gower v. Marinette County Circ. Court*, 154 Wis. 2d 1, 10-11, 452 N.W.2d 355 (1990)).

Whether an act or remark constitutes contempt of court is a finding of fact that this court reviews under the clearly erroneous standard. *Kruse*, 194 Wis. 2d at 427-28. However, whether the circuit court used the proper contempt procedure is a question of law that this court reviews de novo. *Id.* at 429; *Currie v. Schwalbach*, 139 Wis. 2d 544, 552, 407 N.W.2d 862 (1987).

II. The circuit court acted without authority when, sua sponte, it scheduled a contempt hearing and found Ms. Valadez in contempt.

The circuit court, on its own, issued an order to show cause and scheduled a contempt hearing due to

its belief that Ms. Valadez had violated two court orders. (674; 708:5; App. 11). At the contempt hearing three days later, the court found Ms. Valadez in contempt and imposed a sanction of 30 days in jail with various purge conditions. (694; 708:9-11; App. 15-17). In doing so, the circuit court failed to comply with the statutory contempt procedures. Consequently, the order of contempt must be vacated.

The finding of contempt at issue in this case complied with neither the nonsummary nor summary contempt procedures and, contrary to the circuit court's assertions, it did not have inherent authority to find Ms. Valadez in contempt absent compliance with those procedures.

“Despite the fact that the [contempt] power exists independently of statute, [the Wisconsin Supreme Court] ruled [in 1880], that when the procedures and penalties of contempt are prescribed by statute, the statute controls.” *Frisch*, 2007 WI 102, ¶32 (quoting *Douglas County v. Edwards*, 137 Wis. 2d 65, 88, 403 N.W.2d 438 (1987)). It has long been recognized that a circuit court may not exercise its inherent contempt power without following the statutory procedures set forth in ch. 785. *See Id.*, ¶¶32-33; *See also Luebke*, 2003 WI App 207, ¶17 (“For over one hundred twenty years...the Wisconsin Supreme Court has recognized legislative regulation of the contempt power, and the court has proscribed the exercise of this power outside of the statutory scheme.”); *State ex rel. Lanning v. Lonsdale*, 48 Wis. 348, 367, 4 N.W. 390 (1880); *B.L.P. v. Circuit*

Court for Racine County, 118 Wis. 2d 33, 41, 345 N.W.2d 510 (Ct. App. 1984). The circuit court failed to comply with those procedures in this case.

Nonsummary contempt may be initiated by either the filing of a motion by an aggrieved party, or the filing of a criminal complaint by a prosecutor. Wis. Stat. § 785.03(1)(a)-(b). It may not be initiated by the circuit court. *See Luebke*, 2003 WI App 207, ¶23; *See also B.L.P.*, 118 Wis. 2d 33 at 44. Here, no motion for contempt was filed by an aggrieved party. Nor was a criminal contempt complaint filed by a prosecutor. Rather, the circuit court, on its own, issued an order to show cause, scheduled a contempt hearing, and found Ms. Valadez in contempt. The circuit court stated as much at the contempt hearing: “*I did file an Order to Show Cause regarding contempt this week, Document 674, relating to two issues that I was concerned about.*” (708:5; App. 11)(emphasis added). The procedure used did not comply with the statutory requirements for nonsummary contempt and thus, the finding of contempt and sanction must be vacated.

Nor can the finding of contempt be justified under the summary contempt procedure. The alleged contemptuous conduct consisted of a failure to sign a release for confidential records and the failure to complete paperwork and schedule a psychological evaluation. None of this conduct was committed in the actual presence of the court, nor was the finding of contempt and imposition of sanctions done immediately thereafter. *See Kruse*, 194 Wis. 2d 418, 429-30.

For the same reasons, the circuit court's claim that this was a continuation of its June 2, 2021, summary contempt finding, fails. Again, for a summary contempt finding to be made, the contemptuous conduct must be committed in the presence of the court and the sanction must be imposed immediately. While Ms. Valadez's initial refusal to sign the release did occur in the presence of the court on June 2, 2021, her revocation of that release and failure to sign a second release did not occur in the presence of the court. Further, the sanction imposed over two months after the June 2nd hearing could hardly be said to have been imposed immediately after the contemptuous conduct at that hearing. Finally, the sanction imposed, jail with purge conditions, including compliance with the court orders, was not a punitive sanction. See *In re Paternity of Cy C.J.*, 196 Wis. 2d 964, 968-969, 539 N.W.2d 703 (remedial contempt "is imposed to ensure compliance with court orders," while "punitive contempt is geared towards preserving the general authority of the court."). Thus, there is no support for the claim that this was a summary contempt proceeding.

Accordingly, the circuit court acted contrary to statute when, sua sponte, it entered its own order to show cause, scheduled a hearing, and found Ms. Valadez in contempt. As in *B.L.P. v. Circuit Court for Racine County*, "[a] contempt procedure was used which is wholly outside of ch. 785." *B.L.P.*, 118 Wis. 2d at 36. The court acted without authority; the order for contempt must be vacated.

III. The circuit court's finding of contempt was clearly erroneous.

Ms. Valadez maintains that the circuit court lacked authority to find her in contempt for the reasons stated above. If, however, this court finds otherwise, the finding of contempt and sanction must still be vacated as the circuit court erroneously exercised its discretion in relying on an inaccurate finding of fact and a misunderstanding of the law while finding Ms. Valadez in contempt, and imposed an improper sanction. *See Benn v. Benn*, 230 Wis. 2d 301, 308, 602 N.W.2d 65 (Ct. App. 1999)(when this court “review[s] a discretionary decision, [it] examines the record to determine if the circuit court logically interpreted the facts, applied the proper legal standard, and used a demonstrated rational process to reach a conclusion that a reasonable judge could reach.”).

The circuit court incorrectly found that it had ordered Ms. Valadez to sign a release for records during the July 30, 2021, hearing. Specifically, the court found that Ms. Valadez “willfully and intentionally violated [its] Court order to sign the release of information for HHS to go to” the custody study worker. (708:9; App. 15). The order of contempt states that the circuit court found that it had “ordered Ms. Valadez to remedy the situation by having her attorney file an [sic] stipulation and order regarding the release or otherwise to re-sign the above-mentioned release of information form.” (694:2; App. 4).

A review of the transcript from the July 30th hearing, however, reveals that the court had not ordered Ms. Valadez to sign another release; rather, it instructed her attorney to file an order for the release of those records:

I want you to prepare the order that says she or that the, it is CPS, needs to provide the information. Is that the order you wanted, Mr. Schuster?

MR. SCHUSTER: Yes, I mean –

THE COURT: *We don't need to have another release. I'll just issue an order.*

MR. SCHUSTER: Then the order that states that her revocation because I believe it's an email thread.

THE COURT: But why do they even need a release if I just make an order that they need to release the information.

MS. JASMER: I think they're going to require a release, Your Honor.

THE COURT: All right. *You need to prepare the order to make that so and that needs to be done by Wednesday.* So that information can be provided in a time enough period so we can address anything that we may need to address by October 4th, understood, Mr. Green?

MR. GREEN: Yes, Your Honor.

(699:184-186)(emphasis added). The circuit court recognized as much during the contempt hearing, stating: “I ordered Mr. Green to either prepare an

order relative to that or to make sure that that information was released and that there be some documentation supporting that by August 4th.” (708:6; App. 12).

There is nothing in the record to support the court’s finding that, on July 30, 2021, it ordered Ms. Valadez to sign a release for records. As the circuit court had not ordered Ms. Valadez to sign a release by August 4, 2021, it erroneously exercised its discretion in finding her in contempt for failing to do so.

Further, the circuit court erroneously exercised its discretion in finding that the law allowed it to hold Ms. Valadez in contempt for failing to take the steps necessary to undergo a psychological evaluation. While the court could order a psychological evaluation under § 804.10(1), it could not hold her in contempt for failing to complete that evaluation. Section 804.12(2) specifically states that if a party fails to comply with a discovery order, including an order under § 804.10, the court may make an order “treating as a contempt of court the failure to obey any orders *except an order to submit to a physical, mental or vocational examination.*” Wis. Stat. § 804.12(2)(a)4.(emphasis added). The court has at least twice held that that language “limits the courts’ inherent contempt authority in some cases,” and “explicitly forbids treating the refusal to comply [with an order for examination] as a contempt.” *In re the Finding of Contempt in: In re the Paternity of T.P.L.*, 120 Wis. 2d 328, 330, 354 N.W.2d 759 (Ct. App. 1984); *Syring v. Tucker*, 174 Wis. 2d 787, 803, 498 N.W.2d 370 (1993).

Thus, the circuit court relied on a misunderstanding of the law when it found that it could hold Ms. Valadez in contempt for failing to comply with the order for psychological evaluation.

Finally, the sanction imposed by the circuit court also requires the order to be vacated. The sanction imposed here – jail with purge conditions, including compliance with the court orders – is a remedial sanction. When a remedial sanction is imposed, the “sanction must be purgeable through compliance with the original court order,” or “alternative means.” *In re Paternity of Cy C.J.*, 196 Wis. 2d 964. It is said that “the contemnor’s ability to avoid the sanction, through compliance with the original order or satisfaction of the purge condition, obviates the need for due process” in such cases. *Id.* at 970; *State v. King*, 82 Wis. 2d 124, 130, 262 N.W.2d 80 (1978)(“the civil contemnor holds the key to his jail confinement by compliance with the court order.”). Thus, the “purge conditions imposed by the court must be feasible *and* must be reasonably related to the cause or nature of the contempt.” *State ex rel. V.J.H. v. C.A.B.*, 163 Wis. 2d 833, 845, 472 N.W.2d 839.

In this case, the circuit court imposed an authorized remedial sanction of 30 days in jail with purge conditions; the purge conditions, however, were not feasible. The circuit court ordered that Ms. Valadez be taken into custody to serve her sentence immediately. (694:4; App. 6). It then stated that she could be released from jail upon showing proof that she complied with all of the purge conditions,

including completion of a psychological evaluation with a specific doctor. (708:19-20; App. 25-26). As Ms. Valadez has no control over the scheduling of that doctor, she was not given any reasonable way of avoiding the jail sanction. She could not demand that the doctor see her and complete an evaluation immediately, nor could she require the doctor to make arrangements to see her at any time prior to the expiration of her 30-day jail sentence. Ms. Valadez was not given the “key to the jail house door,” as required. As such, the sanction imposed was improper

The circuit court’s finding of contempt and imposition of sanction were clearly erroneous and, accordingly, the order of contempt must be vacated.

CONCLUSION

For the reasons stated above, the circuit court acted without authority, and erroneously exercised its discretion, when it sua sponte entered an order to show cause and found Ms. Valadez in contempt. Ms. Valadez, therefore, respectfully requests that this court vacate the circuit court's contempt order and sanction.

Dated and filed this 26th day of October, 2021.

Respectfully submitted,

Electronically signed by

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CERTIFICATION AS TO FORM/LENGTH

I hereby certify that this brief conforms to the rules contained in S. 809.19(8)(b), (bm), and (c) for a brief. the length of this brief is 4,551 words.

CERTIFICATION AS TO APPENDIX

I hereby certify that filed with this brief is an appendix that complies with s. 809.19(2)(a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; (3) a copy of any unpublished opinion cited under s. 809.23(3)(a) or (b); and (4) portions of the record essential to an understanding of the issues raised, including oral or written rules or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review or an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using one or more initials or other appropriate pseudonym or designation instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Dated and filed this 26th day of October, 2021.

Signed:

Electronically signed by

Kathilynne A. Grotelueschen

KATHILYNNE A. GROTELUESCHEN

Assistant State Public Defender