

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 17, 2009

David R. Schanker
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2009AP547-FT

Cir. Ct. No. 2006FA229

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

IN RE THE MARRIAGE OF:

MARK A. BRUDNAK,

PETITIONER-APPELLANT,

V.

STEPHANIE G. BRUDNAK,

RESPONDENT-RESPONDENT.

APPEAL from a judgment of the circuit court for Ozaukee County:
JOSEPH D. MCCORMACK, Judge. *Affirmed.*

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

¶1 PER CURIAM. Mark Brudnak appeals¹ a judgment of divorce that permits Stephanie Brudnak to leave the state with their minor child. We affirm.

¶2 During the divorce proceeding, Stephanie gave notice of her intent to relocate to the state of Washington with their child. The circuit court granted that request in the judgment of divorce. Mark argues that the court failed to apply the proper legal standard provided in WIS. STAT. § 767.481(5), and that it erroneously exercised its discretion by reaching an unreasonable decision.

¶3 We are satisfied that the court properly exercised its discretion by considering the best interest of the child. Without attempting to repeat all of the circuit court's comments here, we conclude that the court's comments at the time of its decision on this issue, and during the divorce proceeding itself, are adequate. The court noted various concerns about Mark's personal history and his having caused problems for Stephanie with support payments. The court made clear the connection between its concerns about Mark and the child's best interest. After discussing some of its concerns about Mark, the court stated: "And when I consider [the child's] best interests, I can't ignore that."

¶4 We understand the court to have been concerned about Mark's ability to interact appropriately with Stephanie and create a good environment for the child in Wisconsin. We can infer that the court believed there will be less friction between the parents, and therefore a better environment for the child, if Stephanie moves to Washington. For example, the court apparently believed that if Stephanie is able to earn a good living in Washington, which was a purpose for

¹ This is an expedited appeal under WIS. STAT. RULE 809.17 (2007-08). All references to the Wisconsin Statutes are to the 2007-08 version unless otherwise noted.

the move, then she will not be so dependent on support payments and Mark will not be able to use them to manipulate her. While the court might reasonably have reached another decision, we cannot say that the decision the court reached was unreasonable.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.

