COURT OF APPEALS
DECISION
DATED AND FILED

December 30, 2015

Diane M. Fremgen
Clerk of Court of Appeals

Appeal No. 2014AP2254 **Cir. Ct. No. 2013FA259**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

AMANDA ALVAREZ P/K/A AMANDA ALVAREZ VELIZ,

PETITIONER-RESPONDENT,

V.

BOBBY JOE VELIZ,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Dane County: PETER C. ANDERSON, Judge. *Affirmed.*

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

¶1 BLANCHARD, J. In this post-divorce proceeding, Bobby Veliz had primary physical placement of his minor children when he filed a motion for an order permitting him to move from Wisconsin to the State of Washington and to remove the children from Wisconsin so that they could reside with him in

Washington. The children's mother, Amanda Alvarez, opposed removal of the children from Wisconsin, and separately filed a motion for an order granting her primary physical placement of the children with her in Wisconsin.

¶2 The circuit court denied Veliz's motion to remove the children from Wisconsin, and granted Alvarez's motion for primary physical placement. Veliz appeals both decisions. We conclude that the court correctly analyzed the issues under WIS. STAT. § 767.481(3) (2013-14),[1] and, in doing so, properly exercised its discretion. The court determined that, while Veliz's intent to move himself to Washington was not unreasonable to the extent that it would allow Veliz to pursue his best career options through service in the United States Navy, the removal of the children from Wisconsin to Washington was unreasonable and not in their best interests. Accordingly, we affirm the order of the circuit court.

BACKGROUND

¶3 The parties do not dispute facts pertinent to the issues raised in this appeal. Veliz and Alvarez were married in Texas in 2002. They have two minor children together, currently ages 14 and 10. At all pertinent times, Veliz served in the Navy.

¶4 Veliz and Alvarez were divorced by a Texas court in 2006. Under the final decree of divorce, the parties had the Wisconsin equivalent of being joint custodians (called "joint managing conservators" under Texas law) and Alvarez was awarded primary physical placement ("possession" in Texas). For the balance

[1] All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

of this opinion, we use the Wisconsin terminology. The Texas court ordered a two-tiered physical placement schedule: one schedule gave Veliz more physical placement at times when he and Alvarez resided 100 or fewer miles apart, the alternative schedule gave Veliz less placement if the two resided more than 100 miles apart.

¶5 Because Veliz's Navy assignments sometimes made it impossible for him to exercise his placement rights, the Texas court subsequently revised the divorce decree to give Veliz's mother, who resided near Alvarez in Texas, physical placement rights during those times. The Texas court did not otherwise change the physical placement schedule.

¶6 In or about March 2008, Veliz and Alvarez reconciled, although they did not remarry. During the period of reconciliation, in late 2009, they moved together with the two children to Sun Prairie, Wisconsin, after the Navy transferred Veliz to the Sun Prairie area. However, in December 2010, Alvarez moved out of the Sun Prairie family residence with the children. A few months later, Alvarez moved back to Texas with the children. Veliz continued living in Sun Prairie at that time.

¶7 Following Alvarez's move to Texas with the children, Veliz filed a motion with the Texas court to change physical placement and custody, so that Veliz would have primary physical placement. When Veliz filed the motion in the Texas court, he was still living in Sun Prairie, and Alvarez was living in Texas with the two children.

¶8 Following a trial in 2012, the Texas court continued the joint custody order, and entered a physical placement order under which, for the first time since the divorce, the children were to spend the majority of their time with

then Wisconsin-resident Veliz, rather than with then Texas-resident Alvarez. The 2012 Texas order gave Veliz the right to "designate the primary residence of the children without regard to geographic location." While this language placed no limit on where Veliz could reside with the children, Veliz was living in Sun Prairie while the motion was under consideration and when the order issued, and therefore the order appeared to contemplate that, at least in the near term, Veliz would remove the children from Texas to reside with him in Sun Prairie. As with the previous court order, the 2012 Texas order provided alternative physical placement schedules, depending on whether Veliz and Alvarez resided more than 100 miles apart.

¶9 Consistent with the 2012 Texas order, Veliz removed the children from Texas and brought them to his Sun Prairie residence. Within one week of this move, Alvarez moved from Texas to the Sun Prairie area.

¶10 In 2013, Veliz registered the 2012 Texas order in Dane County circuit court, setting up the potential for this Wisconsin litigation. Veliz and Alvarez continued to follow the 2012 Texas order up until the time that Veliz and Alvarez filed the motions in Dane County circuit court that are the subject of this appeal.

¶11 By letter dated December 4, 2013, Veliz notified Alvarez that he intended, sometime in early 2014, to move to Whidbey Island, Washington, and to remove the children from Wisconsin so that they could reside with him there. This letter complied with a Wisconsin statutory requirement that a parent with primary physical placement who seeks permission to move outside Wisconsin or more than 150 miles, or to remove the children from Wisconsin, must provide notice to the other parent of that intent. *See* WIS. STAT. § 767.481(1)(a) (requiring

a minimum of 60 days' notice of an intent to establish legal residence with a child outside Wisconsin, to establish legal residence with a child within Wisconsin more than 150 miles from the other parent, or to remove the child from Wisconsin for more than 90 consecutive days). We will sometimes refer to § 767.481, within which this notice requirement is found, as "the move-or-removal statute," and we quote pertinent parts of the move-or-removal statute and discuss it in more detail below. As we have indicated, this case involves a proposal to move the residence of the children out of Wisconsin, and aspects of the move-or-removal statute governing proposed moves *within* Wisconsin are not before us on appeal.

¶12 Alvarez filed a timely objection under a provision of the move-or-removal statute. *See* WIS. STAT. § 767.481(2) (parent objecting to proposed move or removal must notify, in writing, the parent proposing the move or removal and the court of his or her objection within 15 days of receipt of notice).

¶13 Separately, Alvarez subsequently filed a motion in the Wisconsin proceedings to modify physical placement and custody under either the move-or-removal statute or WIS. STAT. § 767.451, which we will quote in pertinent part below and which we will sometimes refer to as "the placement modification statute." The only basis that Alvarez provided for her motion was that Veliz's "proposed removal of the children to a military base … is contrary to the best interests of the children ...." This was a reference to Veliz's proposal to remove the children from Wisconsin so that he could reside with them in Washington.

¶14 In response to Alvarez's objection, the Dane County circuit court issued a temporary order prohibiting Veliz from removing the children from Wisconsin. Pending the court's resolution of Veliz's motion to permit removal,

the court ordered that the children continue to reside in Dane County, continue to attend school in Sun Prairie, and be placed primarily with Alvarez.

¶15 Consistent with a provision of the move-or-removal statute, the circuit court further ordered a custody study and appointed a guardian ad litem for the children. *See* WIS. STAT. § 767.481(2)(c). A family court counselor issued a custody study. Both the GAL and the counselor issuing the custody study recommended that the court deny Veliz's motion to remove the children from Wisconsin and that the court award Alvarez primary physical placement. The court took evidence and considered all pending motions over the course of a two-day trial.

¶16 At the close of trial, the circuit court applied the move-or-removal statute to deny Veliz's motion to remove the children and to grant Alvarez's motion for primary physical placement in Dane County, where she resided. Evidence highlighted by the court included the undisputed facts that (1) Alvarez had had primary physical placement of the children more often than Veliz had, and (2) with the exception of one week, when Veliz resided with the children in Wisconsin and Alvarez had not yet moved back to Wisconsin from Texas, the children had spent their entire lives having at least some contact with Alvarez, but there had been periods when they had no contact with Veliz. The court found that Alvarez had become "the anchor" and "the primary and secure attachment for these children."

¶17 The court determined that it was not unreasonable for Veliz to move himself from Wisconsin to Washington pursuant to Navy orders, because he had to accept the assignment in order to maintain his best career options. However, the court determined that removal of the children from Wisconsin to Washington

would be unreasonable for the children, and also that their removal from Wisconsin to Washington would not be in their best interests. The court found that Veliz's removal of the children from Wisconsin to Washington would cause "big, big, big trauma" to the children. Veliz appeals.

DISCUSSION

¶18 A circuit court's decision to modify a physical placement order is discretionary, whether that decision is made pursuant to the placement modification statute or the move-or-removal statute. ***Hughes v. Hughes***, 223 Wis. 2d 111, 119, 588 N.W.2d 346 (Ct. App. 1998); WIS. STAT. §§ 767.451(1)(b), 767.481(3)(a).[2] Therefore, we affirm the court's decision if it applied the correct legal standard to the facts before it and reached a reasonable result, and if necessary we search the record to determine whether it reveals reasons to sustain the court's exercise of discretion. ***Hughes***, 223 Wis. 2d at 119-20. However, we review de novo whether the court applied a correct legal standard in exercising its discretion. ***Id.*** at 120.

¶19 We construe the placement modification and the move-or-removal statutes. "The aim of all statutory construction is to ascertain the legislature's intent. In determining that intent, we first consider the language of the statutes." ***Id.*** at 121 (citations omitted). We interpret statutory language "in the context in which it is used; not in isolation but as part of a whole; in relation to the language

[2] At the time this court decided ***Hughes v. Hughes***, 223 Wis. 2d 111, 119, 588 N.W.2d 346 (Ct. App. 1998), the placement modification statute was numbered WIS. STAT. § 767.325 (1997-98) and the move-or-removal statute was numbered WIS. STAT. § 767.327 (1997-98). While the statutes have since been renumbered to WIS. STAT. §§ 767.451 and 767.481, respectively, there have been no changes to the pertinent language.

of surrounding or closely-related statutes; and reasonably, to avoid absurd or unreasonable results." ***State ex rel. Kalal v. Circuit Court for Dane Cty.***, 2004 WI 58, ¶46, 271 Wis. 2d 633, 681 N.W.2d 110. We read statutory language "to give reasonable effect to every word, in order to avoid surplusage." ***Id.*** "We also bear in mind that statutes relating to the same subject matter should be read together and harmonized if possible." ***Hughes***, 223 Wis. 2d at 121.

The Move-Or-Removal Statute Applies

¶20 Veliz and Alvarez disagree over which statute—the placement modification statute or the move-or-removal statute—controls the analysis in this case. It potentially makes a difference to the analysis, because as we now explain the placement modification statute presents a lower hurdle than the move-or-removal statute for the parent, such as Alvarez here, who seeks to modify physical placement after the other parent, who has primary physical placement, has filed a motion under the move-or-removal statute.

¶21 The placement modification statute, in pertinent part, addresses circumstances in which one parent has primary physical placement and the divorce is more than two years in the past, as here.[3]

[3] The placement modification statute, WIS. STAT. § 767.451, is entitled "**Revision of legal custody and physical placement orders**," provides in pertinent part:

> Except for matters under s. 767.461 or 767.481, the following provisions are applicable to modifications of legal custody and physical placement orders:
>
> **(1)** SUBSTANTIAL MODIFICATIONS ….
>
> ….

(continued)

¶22 The move-or-removal statute addresses proposals of parents who have any placement rights to move or remove their children from Wisconsin. [4]

> (b) *After 2-year period [following the final judgment of divorce]*. 1.… [U]pon petition, motion or order to show cause by a party, a court may modify an order of legal custody or an order of physical placement where the modification would substantially alter the time a parent may spend with his or her child if the court finds all of the following:
>
> a. The modification is in the best interest of the child.
>
> b. There has been a substantial change of circumstances since the entry of the last order affecting legal custody or the last order substantially affecting physical placement.
>
> 2. With respect to subd. 1, there is a rebuttable presumption that:
>
> a. Continuing the current allocation of decision making under a legal custody order is in the best interest of the child.
>
> b. Continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child.
>
> 3. A change in the economic circumstances or marital status of either party is not sufficient to meet the standards for modification under subd. 1.

[4] The move-or-removal statute, WIS. STAT. § 767.481, is entitled "**Moving the child's residence within or outside the state**," and provides in pertinent part:

> **(1)** NOTICE TO OTHER PARENT. (a) If the court grants periods of physical placement to more than one parent, it shall order a parent with legal custody of and physical placement rights to a child to provide not less than 60 days' written notice to the other parent, with a copy to the court, of his or her intent to:
>
> 1. Establish his or her legal residence with the child at any location outside the state.
>
> 2. Establish his or her legal residence with the child at any location within this state that is at a distance of 150 miles or more from the other parent.

(continued)

3. Remove the child from this state for more than 90 consecutive days.

(b) The parent shall send the notice under par. (a) by certified mail. The notice shall state the parent's proposed action, including the specific date and location of the move or specific beginning and ending dates and location of the removal, and that the other parent may object within the time specified in sub. (2) (a).

(2) OBJECTION; PROHIBITION; MEDIATION. (a) Within 15 days after receiving the notice under sub. (1), the other parent may send to the parent proposing the move or removal, with a copy to the court, a written notice of objection to the proposed action.

….

(3) STANDARDS FOR MODIFICATION OR PROHIBITION IF MOVE OR REMOVAL CONTESTED. (a) 1. Except as provided under par. (b), if the parent proposing the move or removal has sole legal or joint legal custody of the child and the child resides with that parent for the greater period of time, the parent objecting to the move or removal may file a petition, motion or order to show cause for modification of the legal custody or physical placement order affecting the child. The court may modify the legal custody or physical placement order if, after considering the factors under sub. (5), the court finds all of the following:

a. The modification is in the best interest of the child.

b. The move or removal will result in a substantial change of circumstances since the entry of the last order affecting legal custody or the last order substantially affecting physical placement.

2. With respect to subd. 1.:

a. There is a rebuttable presumption that continuing the current allocation of decision making under a legal custody order or continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child. This presumption may be overcome by a showing that the move or removal is unreasonable and not in the best interest of the child.

(continued)

¶23 Both the placement modification and move-or-removal statutes require a parent who seeks an order modifying physical placement to show that there has been a substantial change in circumstances since the last court order regarding placement. WIS. STAT. §§ 767.451(1)(b)1.b., 767.481(3)(a)1.b. Moreover, both contain a rebuttable presumption that an existing physical placement order should remain intact. Secs. 767.451(1)(b)2.b., 767.481(3)(a)2.a.

¶24 Here, it is not disputed that Veliz's move or the removal of the children would represent a substantial change in circumstances. As pertinent to the issues in this appeal, the primary difference between the two statutes involves what is required to rebut that presumption in favor of retaining the status quo regarding placement when the parent proposing the move or removal has primary physical placement. Under these circumstances, in order to rebut the presumption under the move-or-removal statute, the parent seeking modification of placement in light of the proposed move or removal must show not only that "the move or removal is unreasonable" but also that it is "not in the best interest of the child." WIS. STAT. § 767.481(3)(a)2.a. In contrast, under the placement modification statute the court is to consider only the second factor, "the best interest of the child." WIS. STAT. § 767.451(1)(b)2.b. In other words, the move-or-removal statute requires the court to consider how the move or removal might affect the best interest of the child.

> b. A change in the economic circumstances or marital status of either party is not sufficient to meet the standards for modification under that subdivision.
>
> 3. Under this paragraph, the burden of proof is on the parent objecting to the move or removal.

¶25 For the following reasons, we conclude that the move-or-removal statute, which presents the higher potential hurdle for Alvarez, applies here.

¶26 By its terms, the placement modification statute applies to "modifications of legal custody and physical placement orders" "[e]xcept for matters under" WIS. STAT. § 767.461, which addresses revisions agreed to by stipulation, or "matters under" the move-or-removal statute, WIS. STAT. § 767.481. *See* WIS. STAT. § 767.451. Thus, the question here is whether the circuit court was presented with "matters under" the move-or-removal statute, in which case the placement modification statute does not apply and the move-or-removal statute does apply. *See* ***Hughes***, 223 Wis. 2d at 124 (move-or-removal statute applies when the only potential change in circumstances alleged by the parent who seeks modification of placement involves a proposed move or removal; placement modification statute applies when the moving party alleges changed circumstances "other than those associated with a proposed move"). Based on a plain language interpretation of the statutes and ***Hughes***, we conclude that the court was presented with "matters under" the move-or-removal statute.[5]

¶27 The move-or-removal statute governs the analysis of Veliz's and Alvarez's respective motions because "the only potential substantial change in circumstances" that was offered by Alvarez in support of her motion to modify physical placement was the proposed move and removal described in the motion that Veliz had already filed in the circuit court. *See* ***Hughes***, 223 Wis. 2d at 121,

[5] In largely undeveloped arguments, Veliz asks us to decline to follow ***Hughes*** and to "overturn" a portion of ***Kerkvliet v. Kerkvliet***, 166 Wis. 2d 930, 480 N.W.2d 823 (Ct. App. 1992), *superseded in part by statute by* WIS. STAT. § 767.327(3) (2001-02). However, we are bound by published opinions of the court of appeals, and therefore we do not address these requests further. *See* ***Cook v. Cook***, 208 Wis. 2d 166, ¶51, 560 N.W.2d 246 (1997).

125 ("if one parent contemplates a move, that parent must proceed under § 767.[481], STATS., and § 767.[481](3) then governs placement and custody modification if the move is contested," unless the motion to modify physical placement is based on circumstances other than the proposed move). There is no merit to Alvarez's argument that her motion to modify placement was based on anything other than an objection to Veliz's proposed move and removal of the children from Wisconsin.

Interpretation and Application of the Move-Or-Removal Statute

¶28 Turning to the provision to which we are directed by ***Hughes*** and the statutory language, WIS. STAT. § 767.481(3), Veliz argues that the court improperly interpreted this provision and, based on this interpretation error, improperly exercised its discretion in granting Alvarez's motion to modify placement. We disagree for the following reasons.

¶29 We first summarize pertinent terms of the move-or-removal statute. As we have noted, if a parent who has any amount of physical placement of a child intends to move with the child out of state, or more than 150 miles within Wisconsin, or to remove the child from Wisconsin for more than 90 consecutive days, that parent must provide notice to the court and the other parent. WIS. STAT. § 767.481(1). The other parent may object. Sec. 767.481(2), (3).[6]

[6] To provide context for our discussion, we note that the words "move" and "removal" are not used as synonyms in WIS. STAT. § 767.481. *See, e.g.*, § 767.481(1)(b) (distinguishing the requirements for a parent proposing a "move" as opposed to a "removal"). Instead, "move" refers to a plan of a parent to change his or her residence, while "remove" refers to a plan of a parent to relocate a child from one residence to another. Our interpretation of these usages is consistent with dictionary definitions. *See Move*: WEBSTER'S UNABRIDGED DICTIONARY (1979) (defined in part as a verb meaning "to change residence"); *Remove*: WEBSTER'S UNABRIDGED DICTIONARY (1979), (defined in part as a verb meaning "to move (something) (continued)

¶30 If there is an objection, and the parent proposing the move or removal has primary physical placement (as in this case), the objector may file a motion to change or modify placement, which the court evaluates under WIS. STAT. § 767.481(3). However, as we have already mentioned, the objecting parent in that circumstance must rebut a presumption in order to prevail in obtaining a modification of placement. The move-or-removal statute creates "a rebuttable presumption that … continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child," which may be "overcome by a showing that the move or removal is unreasonable and not in the best interest of the child." Sec. 767.481(3)(a)2.a. We will call § 767.481(3)(a)2.a. "the rebuttable presumption provision." The rebuttable presumption provision establishes, at least as a starting point, that it is in the child's best interest for the existing court-ordered placement schedule to remain in place. Sec. 767.481(3)(a)1. and 2.

¶31 A court applying the standards for modification of placement contained in WIS. STAT. § 767.481(3) may order the modification if, after considering the factors listed in subsec. (5),[7] the court determines that the

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from where it is; to … carry away, or from one place to another" or "to take, extract, separate, or withdraw (*from*)").

[7] WISCONSIN STAT. § 767.481(5) provides:

> **(5)** FACTORS IN COURT'S DETERMINATION. In making its determination under sub. (3), the court shall consider all of the following factors:
>
> (a) Whether the purpose of the proposed action is reasonable.
>
> (b) The nature and extent of the child's relationship with the other parent and the disruption to that relationship which the proposed action may cause.

(continued)

proposed modification is in the best interest of the child and the proposed move or removal would result in a substantial change in circumstances, bearing in mind the rebuttable presumption. Sec. 767.481(3)(a)1. and 2.

¶32 Here, Veliz does not dispute the circuit court's finding that removal of the children from Wisconsin to Washington would result in a substantial change in circumstances. He also does not dispute the court's finding that removing the children from Wisconsin to Washington would be negative for the children, and therefore not in their best interests.

¶33 The only argument that Veliz makes on appeal is quite narrow and focuses on the wording of the rebuttable presumption provision, which we now quote again:

> There is a rebuttable presumption that continuing the current allocation of decision making under a legal custody order or continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child. This presumption may be overcome by a showing that the move or removal is unreasonable and not in the best interest of the child.

> (c) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent.
>
> **(5m)** OTHER FACTORS. In making a determination under sub. (3):
>
> (a) The court may consider the child's adjustment to the home, school, religion and community.
>
> (b) The court may not use the availability of electronic communication as a factor in support of a modification of a physical placement order or in support of a refusal to prohibit a move.

Focusing on the second sentence of this provision, Veliz argues that, because the court determined that Veliz's decision to move himself to Washington did not represent an unreasonable career move, the court lacked a basis to conclude that Alvarez had rebutted the presumption. Under Veliz's interpretation of the rebuttable presumption provision, Alvarez could not rebut the presumption if she could not show that Veliz's proposal to move himself was unreasonable. Reframing his argument in other terms, Veliz contends that the court effectively "applied the 'best interests' [of the child] standard twice," by considering both whether removing the children would be unreasonable (because the move would not be in their best interests) and whether removing them would be in their best interests.

¶34 However, it is fatal to Veliz's argument that the word "unreasonable" in the rebuttable presumption provision modifies both the word "move" and the word "removal." Veliz's interpretation of the phrase "move or removal" would render superfluous the legislature's use of the disjunctive in the phrase "move *or* removal is unreasonable." The legislative intent is evident, through use of the disjunctive, that the parent seeking to rebut the presumption may do so either by showing that the move of the parent is unreasonable or that the removal of the children is unreasonable, so long as that parent also shows that the move or removal would not be in the best interests of the children. In addition, Veliz offers a reading of the statute that leads to absurd results. *See* ***Kalal***, 271 Wis. 2d 633, ¶46 (we interpret statutory language "reasonably, to avoid absurd or unreasonable results.").

¶35 A simple, if extreme, hypothetical makes the point. Assume that, at a time when Veliz had primary physical placement, the Navy gave Veliz orders to transfer to a war zone, and Veliz filed a motion for an order that would permit him

to move to the war zone and to remove the children from a Wisconsin residence so that they could live near him. Veliz's decision to accept the transfer order and move to the war zone, in lieu of having to accept discharge from the Navy, might not be unreasonable, because it would allow him to advance his Navy career. At the same time, removal of the children to the area of a war zone would likely be unreasonable. Despite the obvious unreasonableness of the removal of the children in this scenario, under Veliz's interpretation of WIS. STAT. § 767.481(3)(a)2.a., if a court determined that it would not be unreasonable for Veliz to accept the transfer order, then the court could not exercise its discretion to determine that the presumption that Veliz should have primary physical placement while living in the war zone could be overcome. We observe that in this scenario, under Veliz's argument, it would not be enough for Alvarez to show that removal of the children would not be in their best interests, because it is undisputed that § 767.481(3)(a)2.a. requires showings both that something is "unreasonable" and, separately, that it would not be in the children's best interests: "overcome by a showing that the move or removal is unreasonable *and* not in the best interest of the child." (Emphasis added.)

¶36 For these reasons, the circuit court's conclusion that it was not unreasonable, in terms of his career options, for Veliz to move himself to Washington at most resolved the "unreasonable move" question, but did not address the "unreasonable removal" question.[8] This is because, contrary to

[8] Alvarez does not challenge the court's determination that Veliz's proposal to move himself to Washington was "not unreasonable," insofar as it allowed him to maintain a career in the Navy, and the determination is supported by the evidence at trial. This included evidence that Veliz is the primary source of financial support for the children and that Veliz generally lacks marketable civilian skills.

(continued)

Veliz's interpretation of the rebuttable presumption provision, a proper analysis did not end with that determination. Even if Veliz were correct that the court was obligated to determine that the "move" was not "unreasonable," Veliz fails to come to grips with the fact that the statute also requires the court to consider whether "removal" of the children would be unreasonable ("move *or* removal is unreasonable").

¶37 This leaves the best interest determination. As we have explained, in addition to evaluating whether the proposed parent's move and the removal of children would each be unreasonable, a court must also determine whether the proposed move and removal would be "in the best interest of the child," relying on several factors set forth in the move-or-removal statute. WIS. STAT. § 767.481(3)(a)1.a.; (5); (5m). However, Veliz does not argue that the circuit court improperly exercised its discretion here in determining that the proposed removal of the children would not be in their best interests. Instead, Veliz's entire argument on appeal rests on the argument that we reject above, namely, that the court misinterpreted § 767.481(3)(a)2.a. by considering the children's interests in connection with the rebuttable presumption. For this reason, we need not address whether the circuit court erroneously exercised its discretion in concluding that the removal of the children is not in their best interests. We merely observe that, if we

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We note that, to resolve the issues in this appeal as the parties have presented them, we need not attempt to define with specificity the term "unreasonable" as used in the move-or-removal statute. The term is not defined in the statute, and perhaps other cases may present difficult questions about what "unreasonable" means in WIS. STAT. § 767.481(3)(a)2.a. However, the parties here agree with the circuit court's determination that Veliz's proposal to move himself was not "unreasonable" from the standpoint of his career, and Veliz does not argue that, if his statutory interpretation argument is incorrect and "unreasonable" modifies removal of the children, the court improperly exercised its discretion in determining that removal of the children from Wisconsin to Washington would be "unreasonable."

had been called on to address the issue, we would likely uphold the circuit court's determination that the proposed move and removal of the children would not be in their best interests, because the circuit court applied the correct legal standard to the facts before it and reached a reasonable result. *See* ***Hughes***, 223 Wis. 2d at 119-20. Specifically, the court applied the factors enumerated in § 767.481(5) and (5m) to the evidence presented at trial, after determining that Alvarez presented evidence sufficient to rebut the presumption in favor of continuing placement with Veliz, and properly exercised its discretion in modifying the placement schedule and awarding Alvarez primary placement of the children. As noted above, this included determining that Alvarez is "the anchor" and "the primary and secure attachment for these children," and that Veliz's removal of the children would result in a "big, big, big trauma" for them.

¶38 In sum, we conclude that the court correctly looked to the move-or-removal statute to resolve the issues here, and properly exercised its discretion in considering the best interests of the children in determining that, while Veliz's proposal to move himself to Washington was not unreasonable to the extent that it would allow Veliz to pursue his best career options, the removal of the children from Wisconsin to Washington would have been unreasonable.

CONCLUSION

¶39 For the reasons set forth above, we affirm the order of the circuit court.

By the Court.—Order affirmed.

Not recommended for publication in the official reports.