

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 13, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

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 § 808.10 and RULE 809.62, STATS.

No. 97-3062-FT

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

IN RE THE MARRIAGE OF:

JUDI L. STRATIL,

PETITIONER-RESPONDENT,

v.

DAVID J. STRATIL,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Milwaukee County:
MICHAEL P. SULLIVAN, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Curley, JJ.

PER CURIAM. The trial court ordered the parties to this action to complete psychological evaluations.¹ David Stratil appeals from that order. He

¹ This is an expedited appeal under RULE 809.17, STATS.

argues that the trial court did not have the authority to order the parties to complete the evaluations because he withdrew his post-judgment motion for a change of placement and custody. We conclude that the trial court had the authority. We affirm.

Judy and David Stratil were divorced in August 1996. Judy was awarded primary placement of their two small children. Several months after the divorce, David sought a change in the placement and custody of the children, alleging that they were being sexually abused by their half-brother. The trial court appointed a guardian ad litem and ordered that Judy, David and the children undergo complete psychological evaluations. After the evaluations had begun, David withdrew his motion to change custody. Before the trial court held a hearing on the motion to withdraw, the motion seeking a change in custody and placement, the guardian ad litem moved the court to order the parties to complete the psychological evaluations. The trial court allowed David to withdraw his motion to change custody and placement, but ordered the parties to complete the psychological evaluations.

Objecting to the cost involved in completing the exams, David argues that the trial court did not have the authority to order that the exams be completed because he had withdrawn his motion to change placement and custody. We disagree.

The trial court has “jurisdiction of all actions affecting the family and authority to do all acts and things necessary and proper in such actions.” Section 767.01, STATS. The guardian ad litem moved the court to order the parties to complete the psychological examinations because she believed that the examinations, which were nearly finished, would provide helpful information to a

future therapist who was going to see the children pursuant to the parties' stipulation. The trial court had the authority to order that the exams be completed under § 767.01 because the guardian ad litem had moved the court to do so and the guardian represents the children's interests in the proceedings.

By the Court.—Order affirmed.

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

