COURT OF APPEALS
DECISION
DATED AND FILED

April 23, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

No. 98-0001-FT

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

IN RE THE MARRIAGE OF:

JEFFREY E. PIPER,

PETITIONER-APPELLANT,

V.

VALERIA J. PIPER N/K/A VALERIA J. BASLER,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Rock County: MICHAEL J. BYRON, Judge. *Affirmed.*

Before Dykman, P.J., Roggensack and Deininger, JJ.

PER CURIAM. Jeffrey E. Piper appeals an order awarding primary physical placement of his two children to their mother, Valeria J. Basler. We

conclude the trial court did not erroneously exercise its discretion, and therefore we affirm.[1]

The parents had substantially equal physical placement periods following their divorce. Each party then moved for primary physical placement. The parties agree that because of Basler's impending move to the Oshkosh area, circumstances made it impractical for equal placement to continue, and that the standard is therefore which primary placement is in the best interest of the children. *See* § 767.325(2)(a), STATS. The parties also agree that it is appropriate for the court to consider the factors provided for determination of custody or physical placement in § 767.24(5), STATS.

This determination is discretionary with the trial court. ***Hollister v. Hollister***, 173 Wis.2d 413, 416, 496 N.W.2d 642, 643 (Ct. App. 1992). We affirm a discretionary determination if the court "examined the relevant facts, applied a proper standard of law, and, using a demonstrated rational process, reached a conclusion that a reasonable judge could reach." ***Loy v. Bunderson***, 107 Wis.2d 400, 414-15, 320 N.W.2d 175, 184 (1982). It is not necessary for this court to agree with the trial court's exercise of discretion, and moreover, we generally "look for reasons to sustain a discretionary determination." ***Prahl v. Brosamle,*** 142 Wis.2d 658, 667, 420 N.W.2d 372, 376 (Ct. App. 1987).

In making its decision, the court reviewed the statutory factors cited above. After acknowledging that this was a close call, the court concluded that "in regard to love, education and some planning and discipline for the future," Basler is the more appropriate person to have primary physical placement.

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

Piper's argument on appeal is that the trial court reached an erroneous decision because all the factors it considered were either neutral or favored him, and there were no factors that favored Basler. We disagree with Piper's characterization of the record. There was testimony relating to bed times, bathing, clothing, and other issues from which the court could reasonably conclude that Basler is more effective at disciplining the children and enforcing a structured routine. Piper works longer and more irregular hours than Basler. Although Piper's mother often provides care for the children now, the court noted that she is elderly and cannot keep up with the children "forever."

In a close case, the decision is necessarily going to be based on relatively slight differences. The considerations the court relied on in this case were reasonable ones, and the court's decision based on those factors was one a reasonable judge could reach. We have previously commented as follows regarding the deference we accord to a trial court's discretionary determinations in matters affecting the family:

> The exercise of discretion leaves great areas where reasonable people may differ. But as long as the court reaches a conclusion that is within the parameters of reasonableness, it is inappropriate to interfere with the trial court's exercise of discretion. While the results in this case may not have been the results that any member of this panel would have reached, we are persuaded that they remain within the parameters of reasonableness and represent a proper exercise of judicial discretion. The parties can demand no more than that.

Sellers v. Sellers, 201 Wis.2d 578, 595, 549 N.W.2d 481, 488 (Ct. App. 1996).

By the Court.—Order affirmed.

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