

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 14, 1999

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. 98-2973

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

IN RE THE MARRIAGE OF:

WARREN SLOCUM,

PETITIONER-APPELLANT,

V.

SANDRA HOHMAN,

RESPONDENT-RESPONDENT

APPEAL from an order of the circuit court for St. Croix County:
CONRAD A. RICHARDS, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Gordon Myse, Reserve Judge

PER CURIAM. Warren Slocum appeals an order amending a divorce judgment and denying his motions to amend or enforce other aspects of the initial judgment. He specifically challenges the trial court's decisions allowing him to seek an alternative psychological examination of one of his children, but

only if he pays for the evaluation, denying his request to review the child's psychological record, requiring him to pay for nonemergency medical and dental services received by the children without his knowledge or consent, and amending the physical placement schedules, allowing the older children more flexibility and refusing to micromanage aspects of the placement relating to transportation and communication. As to some of these issues, he argues that he was not given sufficient notice that the trial court might change the underlying judgment and that the order the court signed contains provisions that were not recited by the judge from the bench. As to all of these issues, he challenges the exercise of the trial court's discretion.¹ We reject these arguments and affirm the order.

Slocum has not established any prejudice from the trial court's decision to modify aspects of the divorce judgment without affording Slocum five-days notice that the amendment was under consideration. Slocum suggests that the amendments could have been made by waiting a few days for the next scheduled hearing. He does not identify any additional information that he could have discovered or developed in the interim that might have changed the outcome. The error, if any, in amending these aspects of the judgment without specific notice was harmless. See *Heggy v. Grutzner*, 156 Wis.2d 186, 196, 456 N.W.2d 845, 850 (Ct. App. 1990).

The fact that the order signed by the court includes details that were not recited from the bench provides no basis for relief. The court's oral rulings do

¹ Portions of Slocum's brief also appear to challenge the weight and credibility of a psychologist's report, although he does not identify a specific issue relating to the report and it appears that the trial court ruled in Slocum's favor on the issues most directly related to the report. The weight and credibility of the psychologist's report are matters for the trial court to decide. See *Leciejewski v. Sedlak*, 116 Wis.2d 629, 637, 342 N.W.2d 734, 738 (1984). Several other matters addressed in Slocum's brief are not sufficiently developed to permit any response.

not always include findings and conclusions on every aspect of a case. By signing the order, the court indicated its acceptance of those provisions.

Each of the decisions relating to the children's dental, medical and psychological services and their placement schedule with Slocum are committed to the trial court's discretion. This court will affirm a discretionary decision if the record shows any reasonable basis for the decision. *See Littmann v. Littmann*, 57 Wis.2d 238, 249, 203 N.W.2d 901, 907 (1973). Each of the trial court's decisions reflect an understanding of the relevant facts, proper application of the law and a rational process that reached a conclusion a reasonable judge could reach. *See Loy v. Bunderson*, 107 Wis.2d 400, 414-15, 320 N.W.2d 175, 184 (1982).

The court reasonably required Slocum to pay for any custody evaluation undertaken by him. Slocum expressed dissatisfaction with his son's psychologist, and sought further evaluation. The purpose of the evaluation was not to provide therapy for the child, but to serve as a basis for additional litigation between his parents. The court reasonably concluded that Slocum should pay for his own attempts to create evidence for further court proceedings.

The court properly refused to allow Slocum access to his son's psychological record. Slocum contends that he should be entitled to the same opportunity to review the record as his ex-wife's attorney. He acknowledges that "it is potentially awkward to reveal such otherwise privileged information directly to a parent who is a litigant." We conclude that the court properly balanced Slocum's interest in reading the report against his son's interest in confidentiality.

The court reasonably refused to require Slocum's ex-wife to pay for the cost of all medical and dental services provided without Slocum's knowledge and consent. He argues that he should not be required to pay for nonemergency

dental and medical treatment such as filling cavities in baby teeth or giving the child antacid tablets unless he is first consulted. The trial court reasonably amended the judgment to allow the parent with placement authority to approve nonemergency medical and dental treatment to be provided at both parents' expense.

Finally, the court reasonably amended aspects of the judgment relating to the children's placement with their father. It was not unreasonable for the court to refuse to micromanage transportation questions if a child missed a bus. The court noted that the children believed visitation was working well. The older children had access to transportation and saw their father frequently. The court allowed the older children additional leeway in determining whether they desired to visit their father and reasonably amended the divorce judgment to reflect the children's growing independence as they neared the age of majority.

By the Court.—Order affirmed.

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

