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DISTRICT II

July 24, 2013

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You are hereby notified that the Court has entered the following opinion and order:

2012AP646 State of Wisconsin v. Stephanie M. Przytarski
(L.C. #2006PA390PJ)

Before Brown, C.J., Neubauer, P.J., and Reilly, J.

Stephanie M. Przytarski, p/k/a Stephanie M. Kramschuster, appeals pro se from orders addressing post-paternity adjudication matters relating to Sarah V.K., the daughter of Przytarski and Ted B. Vallejos. Przytarski raises over a dozen issues, none with merit. Although most, if not all, are waived, *see* WIS. STAT. § 805.11(1) (2011-12),[1] we will address them, but our review of the briefs and the record persuades us that summary disposition is appropriate. *See* WIS. STAT. RULE 809.21. We affirm the orders.

[1] All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

Przytarski first asserts that, because she and Sarah always have lived in Milwaukee county where Sarah was born, venue in Waukesha county was improper, such that the court lacked competency to proceed and requiring all orders to be reversed. A paternity action may be brought in the county in which the alleged father "resides or is found." WIS. STAT. § 767.80(1m). The paternity petition indicates that Przytarski provided the information in it and lists a Waukesha county address for Vallejos. Further, a defect in venue is not jurisdictional and does not affect the competence of the court or the validity of any order or judgment. *See* WIS. STAT. § 801.50(1); *see also* Judicial Council Note, 1983, § 801.50. Finally, Przytarski does not allege that she challenged venue or that, despite reasonable diligence, only now discovered a defect. *See* WIS. STAT. § 801.51.

Three issues relate to the guardian ad litem (GAL). Przytarski contends the GAL was not duly appointed because the court could not appoint or reappoint her without a written request or extend her appointment after the final order. *See* WIS. STAT. § 767.407(5). Przytarski also asserts that all orders entered since August 2009 should be reversed because since that time the GAL operated under a conflict of interest, *i.e.*, a "personal relationship" with Vallejos. In the context of explaining her efforts to do a home study with each parent, the GAL advised the court at a 2011 hearing that Vallejos, who resided in New Jersey, exercised placement at her home one time in August 2009, allowing her to observe his interaction with Sarah.

Przytarski misconstrues WIS. STAT. § 767.407(5). No written request is necessary when the court reappoints the GAL on its own, and the court may extend the appointment beyond the final order if warranted. *See* ***id.*** As Przytarski does not develop the conflict-of-interest claim and cites no law commanding reversal of the orders, we need consider it no further. *See* ***State v. Shaffer***, 96 Wis. 2d 531, 545-46, 292 N.W.2d 370 (Ct. App. 1980).

Przytarski also challenges a series of orders by which she contends the circuit court erroneously modified the placement order. She variously complains that the orders do not conform to the hearing transcripts, do not reflect the necessary finding of physical or emotional harm to the child's best interests that WIS. STAT. § 767.451(1)(a) requires and could not be decided under § 767.451(1)(b) without a predicate motion, were rendered without a hearing, or were generated either by motions for which she alleges the filing fee was not paid, *see* WIS. STAT. § 814.61(7), or by the court acting on its own motion. We disagree.

These issues have no merit. The orders either are plainly confirmed in the transcripts or reflect, albeit in more concise language, the spirit of the hearings. Przytarski had the opportunity to object when proposed orders were filed prior to the court's signing them. None of the orders resulted from the court acting on its own motion. As to a finding of harm, Przytarski sidesteps the fact that the March 26, 2012 order resulted from ten days of trial spanning a ten-month period. The motion was brought under WIS. STAT. § 767.451(1)(a) (modification within two years of the final judgment) but was decided under subsec. (1)(b) (after the two-year period), which was applicable at the time of decision thirteen months later. The court expressly found that, "consistent with … [§] 767.451(1)(b)," a substantial change of circumstances made modification to be in the child's best interests. The December 2, 2011 order also reflected matters contemplated over those ten months. Finally, we need not address Przytarski's unsupported claim that an order from a motion for which no filing fee was paid must be reversed because the circuit court is without authority to decide it. *See* ***Shaffer***, 96 Wis. 2d at 545-46.

Oddly, Przytarski next contends that the circuit court also was without authority to order in early January 2012 that it no longer would schedule or address motions until the filing fee was paid. This case has been exhaustively litigated since it was filed in 2007. "Every court has

inherent power, exercisable in its sound discretion, consistent within the Constitution and statutes, to control disposition of causes on its docket with economy of time and effort." ***Latham v. Casey & King Corp.***, 23 Wis. 2d 311, 314, 127 N.W.2d 225 (1964) (citation omitted).

Przytarski next contends the court erred in finding some of her motions frivolous because it did not comply with the "safe-harbor" provision. *See* WIS. STAT. § 802.05(3)(a)1. That requirement does not apply when the court acts on its own initiative. *See* § 802.05(3)(a)2.

Lastly, Przytarski asserts that the circuit court erred in ordering her to set up a payment schedule with the court-appointed psychologist because the record does not reflect that he filed a "consent[] to act" or the "reasonable compensation" the court "fixed." *See* WIS. STAT. § 907.06(1), (2). We reject her crabbed reading of the statute. Also, ordering her to pay her share of the psychologist's bill was within the court's discretion. *See* § 907.06(2). The record plainly reflects that she has been ordered to pay $2,747.80 on multiple occasions.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals