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SUPREME COURT

# State of Wisconsin

# In Supreme Court

**Appeal No. 2025AP002229**
**Circuit Court Case No. 2021FA000047**

**In re the marriage of:**

**SARAH ANN FOX,**
Petitioner-Respondent,

v.

**MATHIEW RAE FOX,**
Respondent-Appellant-Petitioner.

## PETITION FOR REVIEW

Mathiew Rae Fox, pro se, petitions this Court for review of the decision of the Court of Appeals, District II, entered April 8, 2026, and the order denying reconsideration entered April 13, 2026.

The circuit court expressly found no contempt for going to the school. In the same ruling, it nevertheless imposed school-and-location restrictions as purge conditions. The Court of Appeals did not resolve that legal mismatch.

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## ISSUE PRESENTED FOR REVIEW

**Whether a remedial contempt order under *Wis. Stat. § 785.04(1)* may impose categorical school-and-location restrictions as purge conditions after the circuit court expressly declines to find contempt on the school allegation.**

**Circuit court:** Effectively yes.

**Court of Appeals:** Did not separately address the issue; noted only in a footnote that the circuit court did not find contempt for going to the child's school. **(App. A:1)**

**Petitioner:** No. Under *Frisch v. Henrichs*, remedial contempt sanctions must be tethered to the contempt actually found.

**How this issue was raised and decided below:** This issue was raised in petitioner's Court of Appeals brief as a separate school/event restriction issue and was presented again in the motion for reconsideration; the Court of Appeals acknowledged the no-contempt finding in footnote 4 but did not separately analyze whether the resulting restrictions could stand.

## CRITERIA FOR REVIEW

*This Court grants review only for special and important reasons. Review is warranted because this case satisfies that standard.*

**First, this case will help develop and clarify the law.** The question presented is narrow and important: whether a remedial contempt order may impose school-and-location restrictions based on conduct the circuit court expressly found was not contemptuous. Family-court contempt orders often regulate parent conduct at schools, activities, and exchanges. If remedial contempt may impose such restrictions after the court rejects contempt on the underlying allegation, the tether required by *Wis. Stat. ch. 785* becomes uncertain and left to the discretion of the presiding Judge.

**Second, this case presents a significant question of law.** The question is not factual but legal: the boundary between remedial contempt sanctions under *Wis. Stat. ch. 785* and access-like restrictions imposed through contempt.

**Third, the question is likely to recur unless resolved by this Court.** Contempt proceedings are common in family court. Without clarification, circuit courts may continue to impose placement-style restrictions through contempt without the statutory safeguards ordinarily required for access restrictions under *Wis. Stat. § 767.41(5).* Reinforcing continued administrative gatekeeping and alienation of parent child relationship, which later remedies cannot fix.

## STATEMENT OF FACTS AND OF THE CASE

**Nature of the Case:** This is an appeal from a contempt order entered in a family-court action.

**Disposition Below:**

- **Circuit Court (Kenosha County, Judge Heather R. Iverson):** On June 11, 2025, the circuit court found Mr. Fox in contempt for social-media violations. On the separate school allegation, the court expressly ruled: *"This Court does not find Mr. Fox's contempt for going to the school."* In the same ruling, the court imposed purge conditions including that Mr. Fox was *"not to visit the children's school" and "not to visit any location in which the children would be located other than for purposes of his supervised visitation."*
- **Court of Appeals (District II):** Affirmed the contempt order. The opinion noted the no-contempt finding only in footnote 4 and did not separately analyze whether the school-and-location restrictions could stand. **(App. A:1)**
- **Motion for Reconsideration:** Denied on April 13, 2026, without substantive analysis. **(App. B:3)**

**Facts Not Included in the Court of Appeals Opinion:**

1. At the June 11, 2025 hearing, Respondent-Appellant testified that he went to the school, but not to see the child, not to talk to her, and not to communicate with her. **(App. E:9-14)**
2. Defense counsel's offer of proof stated that the recording would show Respondent-Appellant asked only about delivering gifts and "at no point" asked to see the child. **Tr. 6/11/25:11-13 (R.157) (App. E:11)**
3. After hearing that evidence, the circuit court expressly ruled: *"This Court does not find Mr. Fox's contempt for going to the school."*
4. In the same oral ruling, the court imposed the school-and-location restrictions.

## ARGUMENT

**This case presents a clean law-development question: whether remedial contempt sanctions must track the contempt actually found.**

The defect is plain. The circuit court expressly found no contempt on the school allegation. **Tr. 6/11/25:31:1-3 (R.157) (App. C:7).** Yet in the same ruling, it imposed school-and-location restrictions. **Tr. 6/11/25:31:20-23 (R157) (App. C:7).** The ruling and the sanction do not track.

That matters because remedial contempt under Wis. Stat. ch. 785 is coercive, not untethered. In *Frisch v. Henrichs*, this Court explained that remedial contempt sanctions must be tied to compliance with the contempt actually found. *Frisch v. Henrichs*, 2007 WI 102, ¶¶27-28, 32-36, 42-45. Unlike *Frisch*, where the contempt finding and the sanction both related to the same conduct, here the sanction—the school-and-location restriction—tracks the conduct for which the circuit court expressly found no contempt.

The circuit court separately found contempt *only "This court does find a willful and knowing disregard of court orders with respect to posting proceedings involving matters of the children."* **Tr. 6/11/25:31:4-6 (R. 157) (App. C:15).** Because the court found no contempt for going to the school, there was no ongoing disobedience on that allegation to coerce. Once the court expressly declined to find contempt on the school allegation, the resulting school-and-location restrictions required an independent legal basis. None appears in the ruling.

This Court should grant review to clarify that a remedial contempt sanction must be rationally related to the specific contempt found.

## CONCLUSION

The circuit court expressly found no contempt on the school allegation. It nevertheless imposed school-and-location restrictions. That mismatch required a separate legal basis. None appears in the record. The Court of Appeals did not separately address the issue.

Respondent-Appellant Mathiew Rae Fox respectfully asks this Court to **grant review**, **reverse** the portions of the contempt order imposing school-and-location restrictions as purge conditions, and remand with instructions to strike those conditions.

Dated this 16th day of April, 2026.

Respectfully submitted,
Electronically Signed By:
**Mathiew Rae Fox**
*Respondent-Appellant*
*Petitioner, pro se*
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
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## CERTIFICATION OF FORM AND LENGTH

I certify that this petition for review complies with the length and form requirements of *Wis. Stat. Rule 809.62(4)*. The petition is produced in a proportional serif font and, excluding the appendix and certifications, contains approximately **863** words.

Dated this 16th day of April, 2026.

Respectfully submitted,
Electronically Signed By:
**Mathiew Rae Fox**
*Respondent-Appellant*
*Petitioner, pro se*
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
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## CERTIFICATION OF SERVICE

~~I, Mathiew Rae Fox, certify that on April 13, 2026, a true and correct copy of this Petition for Review was served on Petitioner-Respondent, Sarah Ann Fox, by USPS at:~~

~~10710-88th St., Pleasant Prairie, WI 53158.~~

Dated this 16th day of April, 2026.

Respectfully submitted,
Electronically Signed By:
**Mathiew Rae Fox**
*Respondent-Appellant*
*Petitioner, pro se*
2726 83rd St.
Kenosha, WI 53143
(262) 203-3109
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***Copies of this petition for review were NOT served to the Petitioner. Commissioner Alexanda Smathers (Kenosha Circuit Court) on January 29th, 2026 stated on the record that Respondent SHALL NOT serve any legal documents to the Petitioner. "She is responsible for making sure that she's an e-filer".*

*To avoid any additional conflicts, misinterpretation, or additional litigation (Contempt, Restraining Orders, etc.), taking the courts time and resources I have not served the Petitioner these documents.*

# APPENDIX INDEX

**App. A** — ……...1
Court of Appeals decision dated April 8, 2026.

**App. B** — ……...3
Respondent-Appellant Motion to reconsider dated April 8, 2026.

**App. C** — ……...7
Court of Appeals order denying reconsideration dated April 13, 2026.

**App. C** — ……...15
June 11, 2025 transcript excerpt: findings and sanctions.
**Tr. 6/11/25:31:1-3 (R.157)**

**App. D** — ……...15
June 11, 2025 transcript excerpt: court restatement of restrictions.
**Tr. 6/11/25:31:20-23 (R.157)**

**App. E** — ……...8-14
June 11, 2025 transcript excerpt: school testimony and offer of proof.
**Tr. 6/11/25:11-13 (R.157)**

**App. F** — ……...19-20
Brief excerpt preserving the school/event issue.
**App. F** — ……...26-27
Brief excerpt preserving the school/event issue.