# **Index to Casenotes**

The bolded subject terms that appear in the main text comprise the subject entries of this index.

This index does not purport to include all existing cases under any particular subject entry.

This index only covers cases decided since the Divorce Reform Act of 1977,

which took effect on February 1, 1978.

Additional legal research is always needed.

Chapter 767 of the Wisconsin Statutes was recodified by 2005 Wis. Act 443, effective January 1, 2007, and many sections in the chapter were renumbered as of that date. Older casenotes in this book (in general, notes that discuss cases filed before January 1, 2007) reflect the section numbering in effect before January 1, 2007. For the treatment of the old section numbers by 2005 Wis. Act 443 and for a list of the counterpart sections in the recodified statutes, see the Statute Number Correspondence Table in this volume.

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## -robotistic

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# —variable expenses

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# Stepchild. See Nonmarital Child this heading

Stipulation. See STIPULATION

**Surrogacy.** See PATERNITY

# **Suspension of Payments**

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# **Tax Refund Intercept**

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#### **Termination of Parental Rights**

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# **Trust.** See also Gross Income Exclusions/Inclusions this heading; MODIFICATION OF CHILD SUPPORT—Arrearages

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### -adult children

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# —burden of proof

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### **Variable Costs**

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# **CHILD'S NAME**

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### CIVIL PROCEDURE

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# **COHABITATION**

See also CUSTODY—Extramarital Relationship; MAINTENANCE; MODIFICATION OF CUSTODY—Extramarital Relationship; MODIFICATION OF MAINTENANCE; NONMARITAL AGREEMENT; PHYSICAL PLACEMENT

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### **Constructive Trust**

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### **Contract**

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### **Estoppel**

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#### Partition

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# **Property Division**

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# **Shared Enterprise**

*Ward v. Jahnke*, 220 Wis. 2d 539 (Ct. App. 1998) *Ulrich v. Zemke*, 2002 WI App 246, 258 Wis. 2d 180

# Standard of Review

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# **Unjust Enrichment**

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# -services

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# **COHABITATION AGREEMENT**

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### COLLATERAL ATTACK

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# COLLATERAL ESTOPPEL/ISSUE PRECLUSION

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# COLLEGE/POST-HIGH SCHOOL SUPPORT

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### Standard of Review

Doerr v. Doerr, 189 Wis. 2d 112 (Ct. App. 1994)

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# **COMPETENCY**

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### **COMPUTATIONAL ERROR**

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# **COMPUTER PROGRAM**

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# **CONFLICT OF INTEREST**

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# CONSTITUTIONAL CHALLENGE

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### **Compulsory Process Clause**

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### **Confrontation Clause**

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### **Due Process**

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# **Equal Protection**

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*Gerhardt v. Estate of Moore*, 150 Wis. 2d 563 (1989)

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Hayen v. Hayen, 2000 WI App 29, 232 Wis. 2d 447

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### **Ex Post Facto Laws**

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#### **Facial**

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### Freedom of Religion

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# **Impairment of Contract**

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# **Imprisonment**

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# Interpretation

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#### Liberty Interest

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Obergefell v. Hodges, 135 S. Ct. 2584 (2015)

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# **Presumption.** See also Burden of Proof this heading

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Troxel v. Granville, 530 U.S. 57 (2000)

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# **Remedy Clause**

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# **CONSTRUCTIVE TRUST**

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Duhame v. Duhame, 154 Wis. 2d 258 (Ct. App. 1989)

Parge v. Parge, 159 Wis. 2d 175 (Ct. App. 1990)

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Socha v. Socha, 204 Wis. 2d 474 (Ct. App. 1996)

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Pulkkila v. Pulkkila, No. 2018AP712-FT (Wis. Ct. App. Feb. 27, 2019) (unpublished opinion) (Reversed by 2020 WI 34, 391 Wis. 2d 107)

# **Bona Fide Purchaser**

Pluemer v. Pluemer, 2009 WI App 170, 322 Wis. 2d 138

McDonah v. McDonah, No. 2014AP712 (Wis. Ct. App. Dec. 23, 2014) (unpublished opinion)

#### **Definition**

Pulkkila v. Pulkkila, 2020 WI 34, 391 Wis. 2d 107 (Reversing No. 2018AP712-FT (Wis. Ct. App. Feb. 27, 2019) (unpublished opinion))

### **Discretion**

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### **Elements**

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### **Financial Disclosure**

*Jezeski v. Jezeski*, 2009 WI App 8, 316 Wis. 2d 178 *Stevenson v. Stevenson*, 2009 WI App 29, 316 Wis. 2d 442

# **Intent of Parties**

*Sulzer v. Diedrich*, 2003 WI 90, 263 Wis. 2d 496 (Modifying and affirming as modified 2002 WI App 278, 258 Wis. 2d 684)

# **Interest Payment**

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### **Life Insurance Proceeds**

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### Mistake

*Sulzer v. Diedrich*, 2003 WI 90, 263 Wis. 2d 496 (Modifying and affirming as modified 2002 WI App 278, 258 Wis. 2d 684)

### **Purpose**

*Sulzer v. Diedrich*, 2003 WI 90, 263 Wis. 2d 496 (Modifying and affirming as modified 2002 WI App 278, 258 Wis. 2d 684)

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# Wrongful Conduct

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# **Ability to Pay**

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# **Aggrieved Person**

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*In re Finding of Contempt in Hanson v. Beach*, No. 2019AP1388 (Wis. Ct. App. Mar. 4, 2021) (unpublished opinion)

# Authority

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State v. A.W.O. (In re Paternity of D.A.A.P.), 117 Wis. 2d 120 (Ct. App. 1983)

Dennis v. Dennis, 117 Wis. 2d 249 (1984)

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# **Burden of Proof**

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*In re Finding of Contempt in Laiter v. Lyubchenko*, No. 2019AP1793 (Wis. Ct. App. May 13, 2021) (unpublished opinion)

# **Child Support**

Dennis v. Dennis, 110 Wis. 2d 442 (Ct. App. 1982) (Reversed by 117 Wis. 2d 249 (1984))

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### —adult children

*Griffin v. Reeve*, 141 Wis. 2d 699 (1987)

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### Civil/Criminal

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# Continuing

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# **Defense**

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### **Definition**

*In re Finding of Contempt in Gomez v. Leszczynski*, No. 2016AP47 (Wis. Ct. App. Sept. 14, 2016) (unpublished opinion)

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*Vallejos v. Kramschuster (In re Finding of Contempt in In re Paternity of S.L.V.K.)*, No. 2019AP2146 (Wis. Ct. App. Oct. 27, 2020) (unpublished opinion)

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### **Due Process**

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*In re Finding of Contempt in Mansholt v. Kajian*, No. 2013AP1666 (Wis. Ct. App. Dec. 27, 2013) (unpublished opinion)

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# **Duty to Obey**

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*In re Finding of Contempt in Martin v. Martin*, No. 2014AP626 (Wis. Ct. App. Jan. 22, 2015) (unpublished opinion)

Reilly v. Milshteyn (In re Contempt in Milshteyn v. Milshteyn), No. 2016AP1567 (Wis. Ct. App. May 31, 2017) (unpublished opinion) (review denied)

### Financial Disclosure

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# **Guardian ad Litem Fees**

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### Hearing

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# **Income Assignment**

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*In re Finding of Contempt in Krause v. Krause*, No. 2017AP1434 (Wis. Ct. App. July 17, 2018) (unpublished opinion)

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# Jurisdiction. See JURISDICTION

# Maintenance

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#### Notice

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*In re Finding of Contempt in Sheppard v. Sheppard*, No. 2016AP530 (Wis. Ct. App. July 19, 2017) (unpublished opinion) (review dismissed)

# **Paternity**

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State v. A.W.O. (In re Paternity of D.A.A.P.), 117 Wis. 2d 120 (Ct. App. 1983) J.P.L. v. J.H. (In re Paternity of T.P.L.), 120 Wis. 2d 328 (Ct. App. 1984)

# **Procedural Safeguards**

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# Procedure

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# **Property Division**

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### **Punitive.** See also Civil/Criminal this heading

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# **Purge Conditions**

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*In re Finding of Contempt in Gomez v. Leszczynski*, No. 2016AP47 (Wis. Ct. App. Sept. 14, 2016) (unpublished opinion)

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# Remedial. See also Civil/Criminal this heading

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# Right to Purge. See also Purge Conditions this heading

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Noack v. Noack, 149 Wis. 2d 567 (Ct. App. 1989)

Larsen v. Larsen, 159 Wis. 2d 672 (Ct. App. 1990) (Affirmed by 165 Wis. 2d 679 (1992))

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*In re Finding of Contempt in Gomez v. Leszczynski*, No. 2016AP47 (Wis. Ct. App. Sept. 14, 2016) (unpublished opinion)

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### Standard of Review

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*In re Finding of Contempt in Krause v. Krause*, No. 2017AP1434 (Wis. Ct. App. July 17, 2018) (unpublished opinion)

*In re Finding of Contempt in Tauber v. Tauber*, No. 2017AP1731 (Wis. Ct. App. July 31, 2018) (unpublished opinion)

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*In re Finding of Contempt in Hanson v. Beach*, No. 2019AP1388 (Wis. Ct. App. Mar. 4, 2021) (unpublished opinion)

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*Licary v. Licary*, 168 Wis. 2d 686 (Ct. App. 1992)

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### **Parental Alienation Syndrome**

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# Effect

Evenson v. Evenson, 228 Wis. 2d 676 (Ct. App. 1999)

# Enforceability. See also Equitableness, Financial Disclosure, Malpractice this heading

Hengel v. Hengel, 122 Wis. 2d 737 (Ct. App. 1985)

Antuk v. Antuk, 130 Wis. 2d 340 (Ct. App. 1986)

Button v. Button, 131 Wis. 2d 84 (1986)

Schumacher v. Schumacher, 131 Wis. 2d 332 (1986)

Brandt v. Brandt, 145 Wis. 2d 394 (Ct. App. 1988)

Warren v. Warren, 147 Wis. 2d 704 (Ct. App. 1988)

Greenwald v. Greenwald, 154 Wis. 2d 767 (Ct. App. 1990)

Estate of Campbell v. Chaney, 169 Wis. 2d 399 (Ct. App. 1992)

Gardner v. Gardner, 190 Wis. 2d 216 (Ct. App. 1994)

Wolski v. Wolski, 210 Wis. 2d 183 (Ct. App. 1997)

Evenson v. Evenson, 228 Wis. 2d 676 (Ct. App. 1999)

Ayres v. Ayres, 230 Wis. 2d 431 (Ct. App. 1999)

Van Boxtel v. Van Boxtel, 2001 WI 40, 242 Wis. 2d 474

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Zernia v. Zernia, No. 2012AP838 (Wis. Ct. App. Feb. 28, 2013) (unpublished opinion)

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Junion v. Junion, No. 2019AP844 (Wis. Ct. App. June 16, 2020) (unpublished opinion)

# **Equitableness**

Hengel v. Hengel, 122 Wis. 2d 737 (Ct. App. 1985)

Antuk v. Antuk, 130 Wis. 2d 340 (Ct. App. 1986)

Button v. Button, 131 Wis. 2d 84 (1986)

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Krejci v. Krejci, 2003 WI App 160, 266 Wis. 2d 284

Franke v. Franke, 2004 WI 8, 268 Wis. 2d 360

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#### Estoppel. See ESTOPPEL

# **Factors**

Zernia v. Zernia, No. 2012AP838 (Wis. Ct. App. Feb. 28, 2013) (unpublished opinion)

#### —written agreement

Krejci v. Krejci, 2003 WI App 160, 266 Wis. 2d 284

Fairness. See Enforceability, Substantive Fairness this heading

## **Financial Disclosure**

Hengel v. Hengel, 122 Wis. 2d 737 (Ct. App. 1985)

Button v. Button, 131 Wis. 2d 84 (1986)

Schumacher v. Schumacher, 131 Wis. 2d 332 (1986)

Greenwald v. Greenwald, 154 Wis. 2d 767 (Ct. App. 1990)

Gardner v. Gardner, 190 Wis. 2d 216 (Ct. App. 1994)

Junion v. Junion, No. 2019AP844 (Wis. Ct. App. June 16, 2020) (unpublished opinion)

## **Foreseeability of Circumstances**

Button v. Button, 131 Wis. 2d 84 (1986)

Warren v. Warren, 147 Wis. 2d 704 (Ct. App. 1988)

Greenwald v. Greenwald, 154 Wis. 2d 767 (Ct. App. 1990)

Zernia v. Zernia, No. 2012AP838 (Wis. Ct. App. Feb. 28, 2013) (unpublished opinion)

Junion v. Junion, No. 2019AP844 (Wis. Ct. App. June 16, 2020) (unpublished opinion)

#### Interpretation

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Levy v. Levy, 130 Wis. 2d 523 (1986)

Webb v. Webb, 148 Wis. 2d 455 (Ct. App. 1988)

Gardner v. Gardner, 190 Wis. 2d 216 (Ct. App. 1994)

Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

Topolski v. Topolski, 2011 WI 59, 335 Wis. 2d 327

Dickau v. Dickau, 2012 WI App 111, 344 Wis. 2d 308

Kearns v. Kearns, No. 2016AP1407 (Wis. Ct. App. Mar. 22, 2017) (unpublished opinion) (review denied)

#### Maintenance

Wolski v. Wolski, 210 Wis. 2d 183 (Ct. App. 1997) Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

# Malpractice

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Marital Property Act. See MARITAL PROPERTY ACT

Marital Settlement. See STIPULATION

# **Policy Considerations**

Ayres v. Ayres, 230 Wis. 2d 431 (Ct. App. 1999) Franke v. Franke, 2004 WI 8, 268 Wis. 2d 360

# Presumption

Franke v. Franke, 2004 WI 8, 268 Wis. 2d 360

Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

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#### Procedural Fairness. See Enforceability this heading

# **Purpose**

Antuk v. Antuk, 130 Wis. 2d 340 (Ct. App. 1986) Greenwald v. Greenwald, 154 Wis. 2d 767 (Ct. App. 1990) Gardner v. Gardner, 190 Wis. 2d 216 (Ct. App. 1994)

# **Reclassification of Property**

Gardner v. Gardner, 190 Wis. 2d 216 (Ct. App. 1994)

Requirements. See Enforceability, Equitableness, Financial Disclosure this heading

# **Retirement Funds**

Zernia v. Zernia, No. 2012AP838 (Wis. Ct. App. Feb. 28, 2013) (unpublished opinion)

Separation Agreement. See STIPULATION

# **Significantly Changed Circumstances**

Krejci v. Krejci, 2003 WI App 160, 266 Wis. 2d 284

## Standard of Review

Hengel v. Hengel, 122 Wis. 2d 737 (Ct. App. 1985)

Antuk v. Antuk, 130 Wis. 2d 340 (Ct. App. 1986)

Levy v. Levy, 130 Wis. 2d 523 (1986)

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Webb v. Webb, 148 Wis. 2d 455 (Ct. App. 1988)

Gardner v. Gardner, 190 Wis. 2d 216 (Ct. App. 1994)

Evenson v. Evenson, 228 Wis. 2d 676 (Ct. App. 1999)

Taylor v. Taylor, 2002 WI App 253, 258 Wis. 2d 290

Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

Topolski v. Topolski, 2011 WI 59, 335 Wis. 2d 327

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# Substantive Fairness. See also Enforceability this heading

Krejci v. Krejci, 2003 WI App 160, 266 Wis. 2d 284

Zernia v. Zernia, No. 2012AP838 (Wis. Ct. App. Feb. 28, 2013) (unpublished opinion)

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# **Tracing**

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Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

Hartford v. Hartford, No. 2012AP1911 (Wis. Ct. App. Aug. 15, 2013) (unpublished opinion)

#### **Transmutation**

Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

**Voluntariness.** See Enforceability this heading

# **MARITAL ASSET**

See PROPERTY DIVISION—Assets of Marital Estate

#### **MARITAL ESTATE**

See PROPERTY DIVISION—Assets of Marital Estate

# **MARITAL INCOME**

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#### MARITAL PROPERTY

See MARITAL PROPERTY ACT

# MARITAL PROPERTY ACT (Wisconsin Marital Property Act (WMPA))

# Acquisition

Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

# **Augmented Marital Property Estate**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

# **Burden of Proof**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)

Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

Curda-Derickson v. Derickson (Sokaogon Gaming Enter. Corp. v. Curda-Derickson), 2003 WI App 167, 266
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#### **Cause of Action**

Gardner v. Gardner, 175 Wis. 2d 420 (Ct. App. 1993) Sinai Samaritan Med. Ctr., Inc. v. McCabe, 197 Wis. 2d 709 (Ct. App. 1995) Knafelc v. Dain Bosworth, Inc., 224 Wis. 2d 346 (Ct. App. 1999)

## Character

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992) Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

# Child Support. See CHILD SUPPORT

# Classification. See also Reclassification this heading

Poindexter v. Poindexter, 142 Wis. 2d 517 (1988) Haack v. Haack, 149 Wis. 2d 243 (Ct. App. 1989)

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)

State v. Luna, 183 Wis. 2d 20 (Ct. App. 1994)

Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

Curda-Derickson v. Derickson (Sokaogon Gaming Enter. Corp. v. Curda-Derickson), 2003 WI App 167, 266

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Steinmann v. Steinmann, 2008 WI 43, 309 Wis, 2d 29

# Commingling. See Mixed Property this heading

Contributions. See Labor this heading

# **Deferred Marital Property**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

# **Divorce Principles**

Mausing v. Mausing, 146 Wis. 2d 92 (1988)

Kuhlman v. Kuhlman, 146 Wis. 2d 588 (Ct. App. 1988)

Haack v. Haack, 149 Wis. 2d 243 (Ct. App. 1989)

Abitz v. Abitz, 155 Wis. 2d 161 (1990)

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

Miller v. Miller, 171 Wis. 2d 131 (Ct. App. 1992)

Gardner v. Gardner, 175 Wis. 2d 420 (Ct. App. 1993)

Gardner v. Gardner, 190 Wis. 2d 216 (Ct. App. 1994)

Knafelc v. Dain Bosworth, Inc., 224 Wis. 2d 346 (Ct. App. 1999)

Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

# **Duty of Support**

Sinai Samaritan Med. Ctr., Inc. v. McCabe, 197 Wis. 2d 709 (Ct. App. 1995)

Efforts. See Labor this heading

## Enhanced Value Rule. See Reimbursement this heading

#### **Family Purpose Doctrine**

Curda-Derickson v. Derickson (Sokaogon Gaming Enter. Corp. v. Curda-Derickson), 2003 WI App 167, 266 Wis. 2d 453

# **Good-Faith Duty**

Gardner v. Gardner, 175 Wis. 2d 420 (Ct. App. 1993) Socha v. Socha. 204 Wis. 2d 474 (Ct. App. 1996)

Knafelc v. Dain Bosworth, Inc., 224 Wis. 2d 346 (Ct. App. 1999)

Noble v. Noble, 2005 WI App 227, 287 Wis. 2d 699

#### **Identity**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992) Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)

## **Individual Property**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)
Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)
Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

#### **Innocent Spouse**

Curda-Derickson v. Derickson (Sokaogon Gaming Enter. Corp. v. Curda-Derickson), 2003 WI App 167, 266 Wis. 2d 453

# Interpretation

J.G.W. v. Outagamie Cnty. Dep't of Soc. Servs. (In the Interest of A.L.W.), 153 Wis. 2d 412 (1990) Curda-Derickson v. Derickson (Sokaogon Gaming Enter. Corp. v. Curda-Derickson), 2003 WI App 167, 266 Wis. 2d 453

# Interrelationship with Property Division. See Divorce Principles this heading

#### Labor

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992) Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

# Life Insurance

Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995) Socha v. Socha, 204 Wis. 2d 474 (Ct. App. 1996)

#### **Management and Control**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

# **Marital Income**

Poindexter v. Poindexter, 142 Wis. 2d 517 (1988)

J.G.W. v. Outagamie Cnty. Dep't of Soc. Servs. (In the Interest of A.L.W.), 153 Wis. 2d 412 (1990)

Abitz v. Abitz, 155 Wis. 2d 161 (1990)

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

Miller v. Miller, 171 Wis. 2d 131 (Ct. App. 1992)

# **Marital Obligations**

Curda-Derickson v. Derickson (Sokaogon Gaming Enter. Corp. v. Curda-Derickson), 2003 WI App 167, 266 Wis. 2d 453

# **Marital Property**

Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

# Mixed Property. See also Labor, Tracing this heading

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)
Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)
Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

# Nonmarital Property. See also Individual Property; Predetermination Date Property this heading

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992) Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

#### Ownership

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

# **Pre-Act Obligation**

Poindexter v. Poindexter, 142 Wis. 2d 517 (1988) J.G.W. v. Outagamie Cnty. Dep't of Soc. Servs. (In the Interest of A.L.W.), 153 Wis. 2d 412 (1990) Abitz v. Abitz, 155 Wis. 2d 161 (1990)

# **Predetermination Date Property**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992) Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)

# **Presumptions**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)
Gardner v. Gardner, 175 Wis. 2d 420 (Ct. App. 1993)
Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)
Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)
Curda-Derickson v. Derickson (Sokaogon Gaming Enter. Corp. v. Curda-Derickson), 2003 WI App 167, 266
Wis. 2d 453

# **Purpose**

Haack v. Haack, 149 Wis. 2d 243 (Ct. App. 1989)

#### Reclassification

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)
Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)
State v. Luna, 183 Wis. 2d 20 (Ct. App. 1994)
Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)
Steinmann v. Steinmann, 2008 WI 43, 309 Wis. 2d 29

#### Reimbursement

Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993) Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

#### Remedies. See also Reimbursement this heading

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)
Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)
Socha v. Socha, 204 Wis. 2d 474 (Ct. App. 1996)
Whiting v. Whiting, No. 2010AP461 (Wis. Ct. App. Dec. 30, 2010) (unpublished opinion)

# Standard of Review

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)
Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)
Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)
Knafelc v. Dain Bosworth, Inc., 224 Wis. 2d 346 (Ct. App. 1999)

# Title

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

#### **Torts**

Curda-Derickson v. Derickson (Sokaogon Gaming Enter. Corp. v. Curda-Derickson), 2003 WI App 167, 266 Wis. 2d 453

#### **Tracing**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)
Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)
Bille v. Zuraff (In re Estate of Bille), 198 Wis. 2d 867 (Ct. App. 1995)

# Transformation of Property. See Reclassification this heading

# **Unilateral Statement**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

# **Wrongful Transfers**

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992) Socha v. Socha, 204 Wis. 2d 474 (Ct. App. 1996)

## MARITAL PROPERTY AGREEMENT

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## MARITAL SETTLEMENT AGREEMENT

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## **MARITAL WASTE**

Noble v. Noble, 2005 WI App 227, 287 Wis. 2d 699 Covelli v. Covelli, 2006 WI App 121, 293 Wis. 2d 707 Yang v. Yang, No. 2008AP2527 (Wis. Ct. App. June 14, 2011) (unpublished opinion)

## **Judicial Remedies**

Noble v. Noble, 2005 WI App 227, 287 Wis. 2d 699 Yang v. Yang, No. 2008AP2527 (Wis. Ct. App. June 14, 2011) (unpublished opinion)

#### **Party Responsibility**

Noble v. Noble, 2005 WI App 227, 287 Wis. 2d 699

#### **Rebuttable Presumption**

Yang v. Yang, No. 2008AP2527 (Wis. Ct. App. June 14, 2011) (unpublished opinion)

#### Standard of Review

Yang v. Yang, No. 2008AP2527 (Wis. Ct. App. June 14, 2011) (unpublished opinion)

## **MARRIAGE**

See also DOMESTIC PARTNERSHIP

Appling v. Walker, 2014 WI 96, 358 Wis. 2d 132 (Affirming 2013 WI App 3, 345 Wis. 2d 762)

# Common Law

Xiong v. Xiong, 2002 WI App 110, 255 Wis. 2d 693 Xiong v. Vang, 2017 WI App 73, 378 Wis. 2d 636

#### Jurisdiction. See JURISDICTION

# Legal Standard

Dustardy H. v. Bethany H. (In re Paternity of Christian R.H.), 2011 WI App 2, 331 Wis. 2d 158 McLeod v. Mudlaff (In re Estate of Laubenheimer), 2013 WI 76, 350 Wis. 2d 182

# **Partnership**

LeMere v. LeMere, 2003 WI 67, 262 Wis. 2d 426

#### **Putative**

Xiong v. Xiong, 2002 WI App 110, 255 Wis. 2d 693 Xiong v. Vang, 2017 WI App 73, 378 Wis. 2d 636

## Standard of Review

Xiong v. Vang, 2017 WI App 73, 378 Wis. 2d 636

## State's Authority

*United States v. Windsor*, 570 U.S. 744 (2013) *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015)

# **Statutory Interpretation**

Ellis v. Estate of Toutant (In re Estate of Toutant), 2001 WI App 181, 247 Wis. 2d 400 McLeod v. Mudlaff (In re Estate of Laubenheimer), 2013 WI 76, 350 Wis. 2d 182

# Valid/Void/Voidable

Ellis v. Estate of Toutant (In re Estate of Toutant), 2001 WI App 181, 247 Wis. 2d 400 Xiong v. Xiong, 2002 WI App 110, 255 Wis. 2d 693 McLeod v. Mudlaff (In re Estate of Laubenheimer), 2013 WI 76, 350 Wis. 2d 182 Xiong v. Vang, 2017 WI App 73, 378 Wis. 2d 636

#### **MEDIATION**

See CUSTODY; MODIFICATION OF CUSTODY; PHYSICAL PLACEMENT; VISITATION

# MEDICAL/PSYCHOLOGICAL RECORDS

F.R. v. T.B. (In re Visitation of Z.E.R.), 225 Wis. 2d 628 (Ct. App. 1999)

#### MISCONDUCT

See ATTORNEY FEES; CHILD SUPPORT; CUSTODY—Extramarital Relationship; DIVORCE—No Fault; MAINTENANCE; MODIFICATION OF CUSTODY; MODIFICATION OF CUSTODY—Extramarital Relationship; PROPERTY DIVISION; UCCJA; URESA

#### **MISREPRESENTATION**

See also TORT ACTION (INTERSPOUSAL)

Gardner v. Gardner, 175 Wis. 2d 420 (Ct. App. 1993)

Caulfield v. Caulfield, 183 Wis. 2d 83 (Ct. App. 1994)

# MODIFICATION OF CHILD SUPPORT

See also generally CHILD SUPPORT; URESA

Ability to Pay. See Needs/Ability-to-Pay Test this heading

**Abuse of Discretion.** See Discretion this heading

# Age of Child

Young v. Young, 124 Wis. 2d 306 (Ct. App. 1985)

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Burger v. Burger, 144 Wis. 2d 514 (1988)
     Thibadeau v. Thibadeau, 150 Wis. 2d 109 (Ct. App. 1989)
Agreement. See Stipulated Child Support Award this heading
Allocation Among Children
     Weston v. Holt, 157 Wis. 2d 595 (Ct. App. 1990)
Amount. See CHILD SUPPORT—Factors; CHILD SUPPORT—Floor; CHILD SUPPORT—Needs/Ability-to-Pay
Test
Arrearages. See also CHILD SUPPORT—Enforcement; CHILD SUPPORT—Income Assignment; CHILD
SUPPORT—Retroactive Support
-adult child
     Griffin v. Reeve, 141 Wis. 2d 699 (1987)
-cause of action
     Kroeger v. Kroeger, 120 Wis. 2d 48 (Ct. App. 1984)
     State v. Hamilton, 2002 WI App 89, 253 Wis. 2d 805 (Affirmed by 2003 WI 50, 261 Wis. 2d 458)
-credit
     Hirschfield v. Hirschfield, 118 Wis. 2d 468 (Ct. App. 1984)
     Greenwood v. Greenwood, 129 Wis. 2d 388 (Ct. App. 1986)
     O'Brien v. Freiley, 130 Wis. 2d 174 (Ct. App. 1986)
     Burger v. Burger, 144 Wis. 2d 514 (1988)
     Piaskoski v. Piaskoski, 151 Wis. 2d 549 (Ct. App. 1989) (Reversed by 155 Wis. 2d 574 (1990))
     Schulz v. Ystad [Thompkins v. Thompkins, Piaskoski v. Piaskoski, Harms v. Harms], 155 Wis. 2d 574 (1990)
     Rummel v. Karlin, 167 Wis. 2d 400 (Ct. App. 1992)
     Douglas County Child Support Enforcement Unit v. Fisher, 185 Wis. 2d 662 (Ct. App. 1994)
     Douglas County Child Support Enforcement Unit v. Fisher, 200 Wis. 2d 807 (Ct. App. 1996)
     Monicken v. Monicken, 226 Wis. 2d 119 (Ct. App. 1999)
     Barbara B. v. Dorian H. (In re Paternity of John R.B.), 2005 WI 6, 277 Wis. 2d 378
     Motte v. Motte, 2007 WI App 111, 300 Wis. 2d 621
     Zimmer v. Zimmer, 2021 WI App 40, Wis. 2d (petition for review filed)
—disability benefits
     Burger v. Burger, 144 Wis. 2d 514 (1988)
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 expungement
     Woodmansee v. Woodmansee, 151 Wis. 2d 242 (Ct. App. 1989)
     Weston v. Holt, 157 Wis. 2d 595 (Ct. App. 1990)
-income assignment. See CHILD SUPPORT
-interest
     Greenwood v. Greenwood, 129 Wis. 2d 388 (Ct. App. 1986)
—retroactive modification. See also CHILD SUPPORT—Retroactive Support
     Greenwood v. Greenwood, 129 Wis. 2d 388 (Ct. App. 1986)
     O'Brien v. Freiley, 130 Wis. 2d 174 (Ct. App. 1986)
     Burger v. Burger, 144 Wis. 2d 514 (1988)
     Woodmansee v. Woodmansee, 151 Wis. 2d 242 (Ct. App. 1989)
     Schulz v. Ystad [Thompkins v. Thompkins, Piaskoski v. Piaskoski, Harms v. Harms], 155 Wis. 2d 574 (1990)
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In re Finding of Contempt in Ozbaki v. Altass, No. 2014AP813 (Wis. Ct. App. Sept. 10, 2014) (unpublished opinion)
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# —statute of limitation

*Kroeger v. Kroeger*, 120 Wis. 2d 48 (Ct. App. 1984) *Wall v. Wall*, 140 Wis. 2d 341 (Ct. App. 1987)

#### -trust

State v. William W. (In re Paternity of Lachelle A.C.), 180 Wis. 2d 708 (Ct. App. 1993)

State v. Luna, 183 Wis. 2d 20 (Ct. App. 1994)

Cameron v. Cameron, 197 Wis. 2d 618 (Ct. App. 1995) (Reversed by 209 Wis. 2d 88 (1997))

Cameron v. Cameron, 209 Wis. 2d 88 (1997) (Reversing 197 Wis. 2d 618 (Ct. App. 1995))

—waiver. See WAIVER

# Bankruptcy. See BANKRUPTCY

# Burden of Proof. See also Legal Standard this heading

Roellig v. Roellig, 146 Wis. 2d 652 (Ct. App. 1988)

Long v. Wasielewski, 147 Wis. 2d 57 (Ct. App. 1988)

Thibadeau v. Thibadeau, 150 Wis. 2d 109 (Ct. App. 1989)

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#### Name

Steinbach v. Gustafson, 177 Wis. 2d 178 (Ct. App. 1993)

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#### **Notice**

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#### Pre-Divorce Reform Act

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# Presumption

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Licary v. Licary, 168 Wis. 2d 686 (Ct. App. 1992)

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Abbas v. Palmersheim (In re Paternity of Nicholas B.P.), 2004 WI App 126, 275 Wis. 2d 311

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# Removal of Child. See Child Removal this heading

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#### MODIFICATION OF FAMILY SUPPORT

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#### **Burden of Proof**

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# MODIFICATION OF MAINTENANCE

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## **Adult Children**

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# Annulment. See Remarriage this heading

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# Authority

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# **Double Counting**

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## —unjust or inequitable

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## **Issue Preclusion**

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#### **Move out of Country**

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# **Quitting Job**

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Kerkvliet v. Kerkvliet, 166 Wis. 2d 930 (Ct. App. 1992)

*A.J.N. v. W.L.D. (In re Paternity of S.R.N.)*, 167 Wis. 2d 315 (Ct. App. 1992) (Affirmed by 174 Wis. 2d 745 (1993))

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Wiederholt v. Fischer, 169 Wis. 2d 524 (Ct. App. 1992)

Andrew J.N. v. Wendy L.D. (In re Paternity of Stephanie R.N.), 174 Wis. 2d 745 (1993) (Affirming 167 Wis. 2d 315 (Ct. App. 1992))

Jocius v. Jocius, 218 Wis. 2d 103 (Ct. App. 1998)

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#### **Child Preference**

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#### De Facto/De Jure

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#### Discretion

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Dohm v. Dohm, No. 2011AP2271 (Wis. Ct. App. Jan. 10, 2013) (unpublished opinion)

# -mental health

Kettner v. Kettner, 2002 WI App 173, 256 Wis. 2d 329

Rose v. Rose, Nos. 2015AP2646, 2016AP692 (Wis. Ct. App. Dec. 21, 2016) (unpublished opinion)

# Legal Standard

*Miller v. Miller*, 136 Wis. 2d 441 (Ct. App. 1987) (Overruled in part by *Herrell v. Herrell*, 144 Wis. 2d 479 (1988))

Culligan v. Cindric, 2003 WI App 180, 266 Wis. 2d 534

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Stumpner v. Cutting, 2010 WI App 65, 324 Wis. 2d 820

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# Move or Removal

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#### **Notice**

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# **Prospective**

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#### **Psychological Testing**

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## Standard of Review

Trost v. Trost, 2000 WI App 222, 239 Wis. 2d 1
Keller v. Keller, 2002 WI App 161, 256 Wis. 2d 401
Lofthus v. Lofthus, 2004 WI App 65, 270 Wis. 2d 515
Landwehr v. Landwehr, 2006 WI 64, 291 Wis. 2d 49
Pero v. Lucas (In re Paternity of William P.), 2006 WI App 112, 293 Wis. 2d 781
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Dohm v. Dohm, No. 2011AP2271 (Wis. Ct. App. Jan. 10, 2013) (unpublished opinion)
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#### Statute

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# **Stipulations**

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## MODIFICATION OF PROPERTY DIVISION

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Rintelman v. Rintelman, 115 Wis. 2d 206 (Ct. App. 1983) (Affirmed by 118 Wis. 2d 587 (1984))

Tozer v. Tozer, 121 Wis. 2d 187 (Ct. App. 1984)

Thorpe v. Thorpe, 123 Wis. 2d 424 (Ct. App. 1985)

Mathewson v. Mathewson, 135 Wis. 2d 411 (Ct. App. 1986)

Spankowski v. Spankowski, 172 Wis. 2d 285 (Ct. App. 1992)

Washington v. Washington, 2000 WI 47, 234 Wis. 2d 689

Jeffords v. Scott, 2001 WI App 6, 240 Wis. 2d 506

Winkler v. Winkler, 2005 WI App 100, 282 Wis. 2d 746

#### **Factors**

Wenzel v. Wenzel, 2017 WI App 75, 378 Wis. 2d 670

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Wenzel v. Wenzel, 2017 WI App 75, 378 Wis. 2d 670

# **MODIFICATION OF SECTION 71 PAYMENTS**

See also SECTION 71 PAYMENTS

Fessler v. Fessler, 147 Wis. 2d 1 (Ct. App. 1988) Ross v. Ross, 149 Wis. 2d 713 (Ct. App. 1989)

## MODIFICATION OF VISITATION

(Note: Since 1987, the term "visitation" has a more limited meaning. *See* §§ 767.41 and 767.43.) *See also* MODIFICATION OF PHYSICAL PLACEMENT

# **Child Removal**

Long v. Long, 127 Wis. 2d 521 (1986)

# Legal Standard

Westrate v. Westrate, 124 Wis. 2d 244 (Ct. App. 1985)

# **MOOT ISSUE**

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# **MOTIONS**

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#### Continuance

# -standard of review

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# **Directed Verdict**

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#### **Dismiss**

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Watts v. Watts, 137 Wis. 2d 506 (1987)

Bohms v. Bohms, 140 Wis. 2d 529 (Ct. App. 1987) (Modified and, as modified, affirmed by 144 Wis. 2d 490 (1988))

Waage v. Borer, 188 Wis. 2d 324 (Ct. App. 1994)

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Halko v. Halko, 2005 WI App 99, 281 Wis. 2d 825

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#### -discretion

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Dugan v. Lukens (In re Paternity of J.V.L.), No. 2011AP2148 (Wis. Ct. App. Mar. 14, 2013) (unpublished opinion)

#### -standard of review

Caulfield v. Caulfield, 183 Wis. 2d 83 (Ct. App. 1994)

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Halko v. Halko, 2005 WI App 99, 281 Wis. 2d 825

Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2006 WI App 104, 294 Wis. 2d 531 (Affirmed by 2007 WI 29, 299 Wis. 2d 601)

Dugan v. Lukens (In re Paternity of J.V.L.), No. 2011AP2148 (Wis. Ct. App. Mar. 14, 2013) (unpublished opinion)

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Halko v. Halko, 2005 WI App 99, 281 Wis. 2d 825

# —with prejudice

Brodersen v. Hobbins, No. 2017AP1929 (Wis. Ct. App. Sept. 25, 2018) (unpublished opinion)

# **Enforce Placement**

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

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# -discretion

Corddry v. Berg, No. 2011AP621 (Wis. Ct. App. Jan. 18, 2012) (unpublished opinion)

# **Judgment Notwithstanding Verdict**

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#### **Manifest Error**

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# **Modification of Child Support**

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# **Modification of Maintenance**

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## **Modification of Physical Placement**

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# **Modification of Property Division**

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Shulka v. Sikraji, 2014 WI App 113, 358 Wis. 2d 639

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# -standard of review

State v. Patrick G.B. (In re Paternity of Brenton T.C.), 2001 WI App 85, 242 Wis. 2d 550

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     T.E.D. v. P.S.G. (In re Paternity of L.S.G.), 170 Wis. 2d 231 (Ct. App. 1992)
     Spankowski v. Spankowski, 172 Wis. 2d 285 (Ct. App. 1992)
     Max T. v. Carol O. (In re Paternity of Nathan T.), 174 Wis. 2d 352 (Ct. App. 1993)
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 -discretion
     Johnson v. Johnson, 157 Wis. 2d 490 (Ct. App. 1990)
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     Pettygrove v. Pettygrove, 132 Wis. 2d 456 (Ct. App. 1986)
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Stewart v. Rudolph (In re Attorney Fees in Hollay v. Stewart), No. 2012AP1177 (Wis. Ct. App. May 2, 2013) (unpublished opinion)

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#### -discretion

*In re Contempt Proceedings in Linsmeyer v. Linsmeyer*, No. 2019AP2032 (Wis. Ct. App. Nov. 5, 2020) (unpublished opinion)

# -standard of review

*In re Contempt Proceedings in Linsmeyer v. Linsmeyer*, No. 2019AP2032 (Wis. Ct. App. Nov. 5, 2020) (unpublished opinion)

# **Sufficiency of Evidence**

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Schessler v. Schessler, 179 Wis. 2d 781 (Ct. App. 1993)

Caulfield v. Caulfield, 183 Wis. 2d 83 (Ct. App. 1994)

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State v. Randy J.G. (In re Paternity of Taylor R.T.), 199 Wis. 2d 500 (Ct. App. 1996)

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Pero v. Lucas (In re Paternity of William P.), 2006 WI App 112, 293 Wis. 2d 781

# Modification of Physical Placement. See also generally MODIFICATION OF PHYSICAL PLACEMENT

A.J.N. v. W.L.D. (In re Paternity of S.R.N.), 167 Wis. 2d 315 (Ct. App. 1992) (Affirmed by 174 Wis. 2d 745 (1993))

Pero v. Lucas (In re Paternity of William P.), 2006 WI App 112, 293 Wis. 2d 781

#### Motions, See MOTIONS

# Name Change

Linda M.M. v. Charles R.P. (In re Paternity of Noah J.M.), 223 Wis. 2d 768 (Ct. App. 1998) Scace v. Schulte (In re Custody & Placement of A.J.S.), 2018 WI App 30, 382 Wis. 2d 180

# **Objection**

Nehls v. Nehls, 151 Wis. 2d 516 (Ct. App. 1989)

#### Offer of Judgment

B.A.C. v. T.L.G. (In re Paternity of J.S.C.), 135 Wis. 2d 280 (Ct. App. 1986)

# **Parental Rights**

Randy A.J. v. Norma I.J., 2004 WI 41, 270 Wis. 2d 384 (Affirming 2002 WI App 307, 259 Wis. 2d 120) Stuart S. v. Heidi R. (In re Paternity of A.R.R.), 2015 WI App 19, 360 Wis. 2d 388 (review denied)

#### Parties

N.L.B. v. G.B. (In re Paternity of N.L.B.), 140 Wis. 2d 400 (Ct. App. 1987)

A.M.L. v. J.E.L. (In re Paternity of A.M.L.), 161 Wis. 2d 133 (Ct. App. 1991)

State v. Jody A.E. (In re Paternity of Joshua A.E.), 171 Wis. 2d 327 (Ct. App. 1992)

Mayonia M.M. v. Keith N. (In re Paternity of Mayonia M.M.), 202 Wis. 2d 460 (Ct. App. 1996)

Randy A.J. v. Norma I.J., 2002 WI App 307, 259 Wis. 2d 120 (Affirmed by 2004 WI 41, 270 Wis. 2d 384)

Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2006 WI App 104, 294 Wis. 2d 531 (Affirmed by 2007 WI 29, 299 Wis. 2d 601)

# —statutory interpretation

State v. Jody A.E. (In re Paternity of Joshua A.E.), 171 Wis. 2d 327 (Ct. App. 1992)

# Paternity Index. See also Blood Tests this heading

State ex rel. N.A.C. v. W.T.D. (In re Paternity of A.M.C.), 144 Wis. 2d 621 (1988) T.A.T. v. R.E.B. (In re Paternity of M.J.B.), 144 Wis. 2d 638 (1988) (Reversing 137 Wis. 2d 157 (Ct. App. 1987))

# Physical Placement. See also generally PHYSICAL PLACEMENT

Helling v. Lambert (In re Custody & Support of Neven D.H.), 2004 WI App 93, 272 Wis. 2d 796 State v. Robin M.W. (In re Paternity of T.J.D.C.), 2008 WI App 60, 310 Wis. 2d 786 K.S.C. v. R.C. (In re Paternity of L.C.), No. 2015AP1508 (Wis. Ct. App. Aug. 3, 2016) (unpublished opinion)

#### **Policy**

W.R.W. v. Bartholomew (In re Paternity of R.W.L.), 116 Wis. 2d 150 (1984) Nehls v. Nehls, 151 Wis. 2d 516 (Ct. App. 1989)

# Posthumous Proceeding. See Death of Party this heading

Preclusion. See Collateral Estoppel/Issue Preclusion, Res Judicata/Claim Preclusion this heading

# Presumption of Paternity. See also Conception Period; Rebuttal of Presumption this heading

A.M.N. v. A.J.N., 141 Wis. 2d 99 (Ct. App. 1987)

W.W.W. v. M.C.S. (In re Paternity of C.A.S.), 156 Wis. 2d 446 (Ct. App. 1990) (Affirmed by 161 Wis. 2d 1015 (1991))

State ex rel. K.F.K. v. D.P.K. (In re Paternity of J.M.K.), 160 Wis. 2d 429 (Ct. App. 1991)

W.W.W. v. M.C.S. (In re Paternity of C.A.S.), 161 Wis. 2d 1015 (1991) (Affirming 156 Wis. 2d 446 (Ct. App. 1990))

Randy A.J. v. Norma I.J., 2002 WI App 307, 259 Wis. 2d 120 (Affirmed by 2004 WI 41, 270 Wis. 2d 384)

Randy A.J. v. Norma I.J., 2004 WI 41, 270 Wis. 2d 384 (Affirming 2002 WI App 307, 259 Wis. 2d 120)

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K.S.C. v. R.C. (In re Paternity of L.C.), No. 2015AP1508 (Wis. Ct. App. Aug. 3, 2016) (unpublished opinion)

# Presumptive Period. See Conception Period this heading

#### Prima Facie Case

State ex rel. Skowronski v. Mjelde, 112 Wis. 2d 110 (1983)

*T.A.T. v. R.E.B.* (*In re Paternity of M.J.B.*), 137 Wis. 2d 157 (Ct. App. 1987) (Reversed by 144 Wis. 2d 638 (1988))

State ex rel. N.A.C. v. W.T.D. (In re Paternity of A.M.C.), 144 Wis. 2d 621 (1988)

*T.A.T. v. R.E.B.* (*In re Paternity of M.J.B.*), 144 Wis. 2d 638 (1988) (Reversing 137 Wis. 2d 157 (Ct. App. 1987))

#### Privity of Mother and Child

Chad M.G. v. Kenneth J.Z. (In re Paternity of Chad M.G.), 194 Wis. 2d 689 (Ct. App. 1995) Mayonia M.M. v. Keith N. (In re Paternity of Mayonia M.M.), 202 Wis. 2d 460 (Ct. App. 1996)

#### **Probability of Exclusion.** See Blood Tests this heading

# Probability of Paternity. See Blood Tests this heading

# Procedure. See also MOTIONS; Blood Tests this heading

*J.M.S. v. Benson*, 98 Wis. 2d 406 (1980) (Overruled by *W.R.W. v. Bartholomew (In re Paternity of R.W.L.)*, 116 Wis. 2d 150 (1984))

State ex rel. Scott v. Slocum, 109 Wis. 2d 397 (Ct. App. 1982)

State ex rel. Skowronski v. Mjelde, 112 Wis. 2d 110 (1983)

W.R.W. v. Bartholomew (In re Paternity of R.W.L.), 116 Wis. 2d 150 (1984)

State v. M.T.D. (In re Paternity of S.J.K.), 132 Wis. 2d 262 (Ct. App. 1986)

B.A.C. v. T.L.G. (In re Paternity of J.S.C.), 135 Wis. 2d 280 (Ct. App. 1986)

L.H. v. D.H. (In re Paternity of D.L.H.), 142 Wis. 2d 606 (Ct. App. 1987)

*T.A.T. v. R.E.B.* (*In re Paternity of M.J.B.*), 144 Wis. 2d 638 (1988) (Reversing 137 Wis. 2d 157 (Ct. App. 1987))

Family Planning Health Servs., Inc. v. T.G. (In re Paternity of J.S.P.), 158 Wis. 2d 100 (Ct. App. 1990)

A.M.L. v. J.E.L. (In re Paternity of A.M.L.), 161 Wis. 2d 133 (Ct. App. 1991)

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State v. Jody A.E. (In re Paternity of Joshua A.E.), 171 Wis. 2d 327 (Ct. App. 1992)

Kathryn B. v. Sheldon S. (In re Paternity of Tiffany B.), 173 Wis. 2d 864 (Ct. App. 1993)

R.D.P. v. R.L.B. (In re Paternity of C.L.L.), 176 Wis. 2d 224 (Ct. App. 1993)

James A.O. v. George C.B. (In re Paternity of James A.O.), 182 Wis. 2d 166 (Ct. App. 1994)

Chad M.G. v. Kenneth J.Z. (In re Paternity of Chad M.G.), 194 Wis. 2d 689 (Ct. App. 1995)

Mayonia M.M. v. Keith N. (In re Paternity of Mayonia M.M.), 202 Wis. 2d 460 (Ct. App. 1996)

Randy A.J. v. Norma I.J., 2002 WI App 307, 259 Wis. 2d 120 (Affirmed by 2004 WI 41, 270 Wis. 2d 384)

DiBenedetto v. Jaskolski (In re Estate of Thompson), 2003 WI App 70, 261 Wis. 2d 723

Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2006 WI App 104, 294 Wis. 2d 531 (Affirmed by 2007 WI 29, 299 Wis. 2d 601)

State v. Robin M.W. (In re Paternity of T.J.D.C.), 2008 WI App 60, 310 Wis. 2d 786

Scace v. Schulte (In re Custody & Placement of A.J.S.), 2018 WI App 30, 382 Wis. 2d 180

# —statutory interpretation

State v. Jody A.E. (In re Paternity of Joshua A.E.), 171 Wis. 2d 327 (Ct. App. 1992)

State v. Robin M.W. (In re Paternity of T.J.D.C.), 2008 WI App 60, 310 Wis. 2d 786

# -wrongful death

Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2007 WI 29, 299 Wis. 2d 601 (Affirming 2006 WI App 104, 294 Wis. 2d 531)

#### **Purposes of Action**

James A.O. v. George C.B. (In re Paternity of James A.O.), 182 Wis. 2d 166 (Ct. App. 1994)
Brad Michael L. v. Lee D. (In re Paternity of Brad Michael L.), 210 Wis. 2d 437 (Ct. App. 1997)
Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2006 WI App 104, 294 Wis. 2d 531 (Affirmed by 2007 WI 29, 299 Wis. 2d 601)

#### -torts

Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2006 WI App 104, 294 Wis. 2d 531 (Affirmed by 2007 WI 29, 299 Wis. 2d 601)

Rape. See Sexual Assault this heading

#### Rebuttal of Presumption

Randy A.J. v. Norma I.J., 2002 WI App 307, 259 Wis. 2d 120 (Affirmed by 2004 WI 41, 270 Wis. 2d 384) Hendrick v. Hendrick, 2009 WI App 33, 316 Wis. 2d 479

#### Relief from Judgment. See MOTIONS

# Reopen. See also MOTIONS

Gerhardt v. Estate of Moore, 150 Wis. 2d 563 (1989)

Nehls v. Nehls, 151 Wis. 2d 516 (Ct. App. 1989)

Johnson v. Johnson, 157 Wis. 2d 490 (Ct. App. 1990)

T.E.D. v. P.S.G. (In re Paternity of L.S.G.), 170 Wis. 2d 231 (Ct. App. 1992)

State v. Mark A. (In re Paternity of Jeremy D.L.), 177 Wis. 2d 551 (Ct. App. 1993)

# Res Judicata/Claim Preclusion

P.J.W. v. D.A.H. (In re Paternity of P.J.W.), 150 Wis. 2d 123 (Ct. App. 1989)

Nehls v. Nehls, 151 Wis. 2d 516 (Ct. App. 1989)

Chad M.G. v. Kenneth J.Z. (In re Paternity of Chad M.G.), 194 Wis. 2d 689 (Ct. App. 1995)

Mayonia M.M. v. Keith N. (In re Paternity of Mayonia M.M.), 202 Wis. 2d 460 (Ct. App. 1996)

Amber J.F. v. Richard B. (In re Paternity of Amber J.F.), 205 Wis. 2d 510 (Ct. App. 1996)

Shanee Y. v. Ronnie J. (In re Paternity of Demetrius A.Y.), 2004 WI App 58, 271 Wis. 2d 242 Douglas L. v. Arika B. (In re Paternity of W.B.), 2015 WI App 80, 365 Wis. 2d 257

# Responsibility

Shanee Y. v. Ronnie J. (In re Paternity of Demetrius A.Y.), 2004 WI App 58, 271 Wis. 2d 242

#### **Sexual Assault**

State ex rel. J.A.S. v. M.E.S., 142 Wis. 2d 300 (Ct. App. 1987)

J.J.G. v. L.H. (In re Paternity of J.L.H.), 149 Wis. 2d 349 (Ct. App. 1989)

Thomas M.P. v. Kimberly J.L. (In re Paternity of Baby Doe), 207 Wis. 2d 388 (Ct. App. 1996)

# —statutory interpretation

Thomas M.P. v. Kimberly J.L. (In re Paternity of Baby Doe), 207 Wis. 2d 388 (Ct. App. 1996)

#### Standard of Review

State ex rel. Skowronski v. Mjelde, 112 Wis. 2d 110 (1983)

State ex rel. S.M.D. v. F.D.L. (In re Paternity of A.S.D.), 125 Wis. 2d 529 (Ct. App. 1985)

B.A.C. v. T.L.G. (In re Paternity of J.S.C.), 135 Wis. 2d 280 (Ct. App. 1986)

*T.A.T. v. R.E.B.* (*In re Paternity of M.J.B.*), 144 Wis. 2d 638 (1988) (Reversing 137 Wis. 2d 157 (Ct. App. 1987))

R.D.P. v. R.L.B. (In re Paternity of C.L.L.), 176 Wis. 2d 224 (Ct. App. 1993)

State v. Michael J.W. (In re Paternity of Lily R.A.P.), 210 Wis. 2d 132 (Ct. App. 1997)

Linda M.M. v. Charles R.P. (In re Paternity of Noah J.M.), 223 Wis. 2d 768 (Ct. App. 1998)

DiBenedetto v. Jaskolski (In re Estate of Thompson), 2003 WI App 70, 261 Wis. 2d 723

Randy A.J. v. Norma I.J., 2004 WI 41, 270 Wis. 2d 384 (Affirming 2002 WI App 307, 259 Wis. 2d 120)

Shanee Y. v. Ronnie J. (In re Paternity of Demetrius A.Y.), 2004 WI App 58, 271 Wis. 2d 242

Rusk County Dep't of Health & Human Servs. v. Thorson, 2005 WI App 37, 278 Wis. 2d 638

Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2006 WI App 104, 294 Wis. 2d 531 (Affirmed by 2007 WI 29, 299 Wis. 2d 601)

Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2007 WI 29, 299 Wis. 2d 601 (Affirming 2006 WI App 104, 294 Wis. 2d 531)

Daniel T.W. v. Joni K.W., 2009 WI App 13, 315 Wis. 2d 181

Douglas L. v. Arika B. (In re Paternity of W.B.), 2015 WI App 80, 365 Wis. 2d 257

K.S.C. v. R.C. (In re Paternity of L.C.), No. 2015AP1508 (Wis. Ct. App. Aug. 3, 2016) (unpublished opinion)

Scace v. Schulte (In re Custody & Placement of A.J.S.), 2018 WI App 30, 382 Wis. 2d 180

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# **Statute of Limitation**

W.R.W. v. Bartholomew (In re Paternity of R.W.L.), 116 Wis. 2d 150 (1984)

State v. D.B. (In re Paternity of D.L.T.), 137 Wis. 2d 57 (1987)

D.S.L. v. T.L.S. (In re Paternity of D.S.L.), 159 Wis. 2d 747 (Ct. App. 1990)

State ex rel. Cynthia M.S. v. Michael F.C., 181 Wis. 2d 618 (1994)

James A.O. v. George C.B. (In re Paternity of James A.O.), 182 Wis. 2d 166 (Ct. App. 1994)

DiBenedetto v. Jaskolski (In re Estate of Thompson), 2003 WI App 70, 261 Wis. 2d 723

### —statutory interpretation

James A.O. v. George C.B. (In re Paternity of James A.O.), 182 Wis, 2d 166 (Ct. App. 1994)

**Statutory Interpretation.** *See also* Blood Tests; Child Support; Dismissal; Evidence; Medical Circumstances of a Pregnancy; Parties; Procedure; Sexual Assault; Statute of Limitation *this heading* 

W.W.W. v. M.C.S. (In re Paternity of C.A.S.), 156 Wis. 2d 446 (Ct. App. 1990) (Affirmed by 161 Wis. 2d 1015 (1991))

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Statutory Presumption of Paternity. See Conception Period, Presumption of Paternity this heading

#### **Subsequent Marriage**

State v. Robin M.W. (In re Paternity of T.J.D.C.), 2008 WI App 60, 310 Wis. 2d 786

# **Substantial Relationship with Child**

Randy A.J. v. Norma I.J., 2004 WI 41, 270 Wis. 2d 384 (Affirming 2002 WI App 307, 259 Wis. 2d 120) Stuart S. v. Heidi R. (In re Paternity of A.R.R.), 2015 WI App 19, 360 Wis. 2d 388 (review denied)

# Summary Judgment. See MOTIONS

Support. See Child Support this heading

# Surrogacy. See also SURROGACY

L.M.S. v. S.L.S., 105 Wis. 2d 118 (Ct. App. 1981)

Time Limit. See Statute of Limitation this heading

# Trust

Mary L.O. v. Tommy R.B. (In re Paternity of Tukker M.O.), 189 Wis. 2d 440 (Ct. App. 1994) (Affirmed in part and reversed in part by 199 Wis. 2d 186 (1996))

Mary L.O. v. Tommy R.B. (In re Paternity of Tukker M.O.), 199 Wis. 2d 186 (1996) (Affirming in part and reversing in part 189 Wis. 2d 440 (Ct. App. 1994))

#### Visitation

Patricia H.C. v. Louise H. (In re Paternity of Nastassja L.H.-J.), 181 Wis. 2d 666 (Ct. App. 1993) Roger D.H. v. Virginia O. (In re Paternity of Roger D.H.), 2002 WI App 35, 250 Wis. 2d 747

# Voluntary Acknowledgment

Scace v. Schulte (In re Custody & Physical Placement of A.J.S.), 2018 WI App 30, 382 Wis. 2d 180 State v. Cross (In re Paternity of N.D.S.), No. 2018AP1645 (Wis. Ct. App. Jan. 7, 2020) (unpublished opinion)

#### **Voluntary Dismissal**

State v. A.G.R. (In re Paternity of M.T.H.), 140 Wis. 2d 843 (Ct. App. 1987)

Witnesses. See WITNESSES

# Wrongful Death

Shannon E.T. v. Alicia M.V.M. (In re Paternity of C.A.V.M.), 2007 WI 29, 299 Wis. 2d 601 (Affirming 2006 WI App 104, 294 Wis. 2d 531)

# PENSION FUNDS

See RETIREMENT FUNDS

### PERIODIC PAYMENTS

See PROPERTY DIVISION; SECTION 71 PAYMENTS

# PERSONAL-INJURY RECOVERY

See also MAINTENANCE; MODIFICATION OF CHILD SUPPORT; PROPERTY DIVISION

#### Commingling

Weberg v. Weberg, 158 Wis. 2d 540 (Ct. App. 1990)

# PHYSICAL CUSTODY

See CUSTODY—Alternating Custody; JOINT CUSTODY; PHYSICAL PLACEMENT

#### PHYSICAL PLACEMENT

See also CUSTODY; MODIFICATION OF PHYSICAL PLACEMENT; VISITATION

Abel v. Johnson, 135 Wis. 2d 219 (Ct. App. 1986) (Overruled in part by Herrell v. Herrell, 144 Wis. 2d 479 (1988))

Bohms v. Bohms, 140 Wis. 2d 529 (Ct. App. 1987) (Modified and, as modified, affirmed by 144 Wis. 2d 490 (1988))

Wiederholt v. Fischer, 169 Wis. 2d 524 (Ct. App. 1992)

# Agreement. See STIPULATION—Physical Placement

#### Alcohol

Simon v. Wilson (In re Paternity of B.F.S.), No. 2015AP1769 (Wis. Ct. App. June 7, 2016) (unpublished opinion)

# **Best Interests of Child**

Wolfe v. Wolfe, 2000 WI App 93, 234 Wis. 2d 449

Arnold v. Arnold, 2004 WI App 62, 270 Wis. 2d 705

Helling v. Lambert (In re Custody & Support of Neven D.H.), 2004 WI App 93, 272 Wis. 2d 796

Guelig v. Guelig, 2005 WI App 212, 287 Wis. 2d 472

Derleth v. Cordova, 2013 WI App 142, 352 Wis. 2d 51

Dudas v. Dudas, No. 2016AP326 (Wis. Ct. App. Mar. 21, 2017) (unpublished opinion) (review denied)

#### **Burden of Proof**

Wolfe v. Wolfe, 2000 WI App 93, 234 Wis. 2d 449

# Cohabitation

Helling v. Lambert (In re Custody & Support of Neven D.H.), 2004 WI App 93, 272 Wis. 2d 796

#### **Conditions to Regain**

State v. Alice H. (In re Paternity of Shalynda S.J.), 2000 WI App 228, 239 Wis. 2d 194

# **Constitutional Rights**

State v. Alice H. (In re Paternity of Shalynda S.J.), 2000 WI App 228, 239 Wis. 2d 194

Lofthus v. Lofthus, 2004 WI App 65, 270 Wis. 2d 515

Arnold v. Arnold, 2004 WI App 62, 270 Wis. 2d 705

Helling v. Lambert (In re Custody & Support of Neven D.H.), 2004 WI App 93, 272 Wis. 2d 796

Guelig v. Guelig, 2005 WI App 212, 287 Wis. 2d 472

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

#### Cooperation

Guelig v. Guelig, 2005 WI App 212, 287 Wis. 2d 472

# **Decision-Making**

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

Marcott v. Marcott, No. 2013AP96 (Wis. Ct. App. Feb. 27, 2014) (unpublished opinion)

# **Definition**

Matz v. Matz, 166 Wis. 2d 326 (Ct. App. 1991)

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

# **Delegation**

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

#### Denial

Wolfe v. Wolfe, 2000 WI App 93, 234 Wis. 2d 449

State v. Alice H. (In re Paternity of Shalynda S.J.), 2000 WI App 228, 239 Wis. 2d 194

Dudas v. Dudas, No. 2016AP326 (Wis. Ct. App. Mar. 21, 2017) (unpublished opinion) (review denied)

#### -notice

State v. Alice H. (In re Paternity of Shalynda S.J.), 2000 WI App 228, 239 Wis. 2d 194

# Discretion. See also MODIFICATION OF PHYSICAL PLACEMENT

Jocius v. Jocius, 218 Wis. 2d 103 (Ct. App. 1998)

State v. Alice H. (In re Paternity of Shalynda S.J.), 2000 WI App 228, 239 Wis. 2d 194

Lofthus v. Lofthus, 2004 WI App 65, 270 Wis. 2d 515

Helling v. Lambert (In re Custody & Support of Neven D.H.), 2004 WI App 93, 272 Wis. 2d 796

Goberville v. Goberville, 2005 WI App 58, 280 Wis. 2d 405

Guelig v. Guelig, 2005 WI App 212, 287 Wis. 2d 472

Corddry v. Berg, No. 2011AP621 (Wis. Ct. App. Jan. 18, 2012) (unpublished opinion)

Rosecky v. Schissel (In re Paternity of F.T.R.), 2013 WI 66, 349 Wis. 2d 84

K.S.C. v. R.C. (In re Paternity of L.C.), No. 2015AP1508 (Wis. Ct. App. Aug. 3, 2016) (unpublished opinion)

# **Enforcement.** See also MOTIONS—Enforce Placement

Bernier v. Bernier, 2006 WI App 2, 288 Wis. 2d 743

Borreson v. Yunto, 2006 WI App 63, 292 Wis. 2d 231

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

# Equal Placement. See also Constitutional Rights, Presumption this heading

Lofthus v. Lofthus, 2004 WI App 65, 270 Wis. 2d 515

Arnold v. Arnold, 2004 WI App 62, 270 Wis. 2d 705

Landwehr v. Landwehr, 2006 WI 64, 291 Wis. 2d 49

#### —maximizing

Landwehr v. Landwehr, 2006 WI 64, 291 Wis. 2d 49

#### **Exclusive Placement**

K.S.C. v. R.C. (In re Paternity of L.C.), No. 2015AP1508 (Wis. Ct. App. Aug. 3, 2016) (unpublished opinion)

#### Factors

Guelig v. Guelig, 2005 WI App 212, 287 Wis. 2d 472

Simon v. Wilson (In re Paternity of B.F.S.), No. 2015AP1769 (Wis. Ct. App. June 7, 2016) (unpublished opinion)

Dudas v. Dudas, No. 2016AP326 (Wis. Ct. App. Mar. 21, 2017) (unpublished opinion) (review denied)

#### **Firearms**

Simon v. Wilson (In re Paternity of B.F.S.), No. 2015AP1769 (Wis. Ct. App. June 7, 2016) (unpublished opinion)

# **Fundamental Right**

Lofthus v. Lofthus, 2004 WI App 65, 270 Wis. 2d 515

Guelig v. Guelig, 2005 WI App 212, 287 Wis. 2d 472

#### Interference

Andrew J.N. v. Wendy L.D. (In re Paternity of Stephanie R.N.), 174 Wis. 2d 745 (1993) (Affirming 167 Wis. 2d 315 (Ct. App. 1992))

Borreson v. Yunto, 2006 WI App 63, 292 Wis. 2d 231

Henning v. Flannery (In re Contempt in In re Paternity of G.R.F.), No. 2013AP2296 (Wis. Ct. App. May 22, 2014) (unpublished opinion)

# Legal Standard

Keller v. Keller, 2002 WI App 161, 256 Wis. 2d 401

Helling v. Lambert (In re Custody & Support of Neven D.H.), 2004 WI App 93, 272 Wis. 2d 796

Goberville v. Goberville, 2005 WI App 58, 280 Wis. 2d 405

Guelig v. Guelig, 2005 WI App 212, 287 Wis. 2d 472

#### Mediation

Andrew J.N. v. Wendy L.D. (In re Paternity of Stephanie R.N.), 174 Wis. 2d 745 (1993) (Affirming 167 Wis. 2d 315 (Ct. App. 1992))

Modification. See MODIFICATION OF PHYSICAL PLACEMENT

Motion. See MOTIONS—Enforce Placement

Move or Removal. See MODIFICATION OF PHYSICAL PLACEMENT

#### **Parent Coordinator**

Pappathopoulos v. Pappathopoulos, No. 2017AP399 (Wis. Ct. App. June 21, 2018) (unpublished opinion)

Parenting Plan. See PARENTING PLAN

Paternity. See PATERNITY

#### Presumption. See also MODIFICATION OF PHYSICAL PLACEMENT

Keller v. Keller, 2002 WI App 161, 256 Wis. 2d 401

Arnold v. Arnold, 2004 WI App 62, 270 Wis. 2d 705

Landwehr v. Landwehr, 2006 WI 64, 291 Wis. 2d 49

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

# **Primary Physical Placement**

Matz v. Matz, 166 Wis. 2d 326 (Ct. App. 1991)

# Prospective Orders. See also MODIFICATION OF PHYSICAL PLACEMENT

State v. Alice H. (In re Paternity of Shalynda S.J.), 2000 WI App 228, 239 Wis. 2d 194

#### Restrictions

Lange v. Lange, 175 Wis. 2d 373 (Ct. App. 1993)

Wood v. DeHahn, 214 Wis. 2d 221 (Ct. App. 1997)

Jocius v. Jocius, 218 Wis. 2d 103 (Ct. App. 1998)

Wolfe v. Wolfe, 2000 WI App 93, 234 Wis. 2d 449

State v. Alice H. (In re Paternity of Shalynda S.J.), 2000 WI App 228, 239 Wis. 2d 194

Dudas v. Dudas, No. 2016AP326 (Wis. Ct. App. Mar. 21, 2017) (unpublished opinion) (review denied)

# Standard of Review

Wolfe v. Wolfe, 2000 WI App 93, 234 Wis. 2d 449

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# Factors

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# Fairness

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#### **High-Income Families**

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#### **Imputed Income**

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#### Retirement

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#### Test

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# **SMALL CLAIMS ACTION**

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#### SOCIAL SECURITY

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# STATUTE OF REPOSE

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#### **STIPULATION**

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# Construction. See Interpretation this heading

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Rintelman v. Rintelman, 118 Wis. 2d 587 (1984) (Affirming 115 Wis. 2d 206 (Ct. App. 1983)) Hottenroth v. Hetsko, 2006 WI App 249, 298 Wis. 2d 200

# Court Approval. See also Effect, Enforceability this heading

Polakowski v. Polakowski, 2003 WI App 20, 259 Wis. 2d 765

Hottenroth v. Hetsko, 2006 WI App 249, 298 Wis. 2d 200

Sainio v. Sainio, No. 2014AP873 (Wis. Ct. App. Mar. 31, 2015) (unpublished opinion)

#### **Definition**

Van Boxtel v. Van Boxtel, 2001 WI 40, 242 Wis. 2d 474

Reed v. Pappathopoulos, No. 2019AP801 (Wis. Ct. App. Apr. 16, 2019) (unpublished opinion)

#### Discretion

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Van Boxtel v. Van Boxtel, 2001 WI 40, 242 Wis. 2d 474
Hottenroth v. Hetsko, 2006 WI App 249, 298 Wis. 2d 200
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#### **Duty of Court**

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Hottenroth v. Hetsko, 2006 WI App 249, 298 Wis. 2d 200
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Schwab v. Schwab, 2021 WI 67, Wis. 2d (Reversing 2020 WI App 40, 392 Wis. 2d 660)
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#### **Effect**

Norman v. Norman, 117 Wis. 2d 80 (Ct. App. 1983)

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Sporleder v. Hermes (In the Interest of Z.J.H.), 157 Wis. 2d 431 (Ct. App. 1990) (Affirmed by 162 Wis. 2d 1002 (1991))

Evenson v. Evenson, 228 Wis. 2d 676 (Ct. App. 1999)

Ayres v. Ayres, 230 Wis. 2d 431 (Ct. App. 1999)

Fritz v. Fritz, 231 Wis. 2d 33 (Ct. App. 1999)

Van Boxtel v. Van Boxtel, 2001 WI 40, 242 Wis. 2d 474

Polakowski v. Polakowski, 2003 WI App 20, 259 Wis. 2d 765

Lawrence v. Lawrence, 2004 WI App 170, 276 Wis. 2d 403

Richard v. Rasmussen, No. 2020AP332 (Wis. Ct. App. June 8, 2021) (unpublished opinion)

# Enforceability. See also MOTIONS—Relief from Judgment

Rintelman v. Rintelman, 115 Wis. 2d 206 (Ct. App. 1983) (Affirmed by 118 Wis. 2d 587 (1984))

Rintelman v. Rintelman, 118 Wis. 2d 587 (1984) (Affirming 115 Wis. 2d 206 (Ct. App. 1983))

Kastelic v. Kastelic, 119 Wis. 2d 280 (Ct. App. 1984)

Bertram v. Kilian, 133 Wis. 2d 202 (Ct. App. 1986)

Spencer v. Spencer, 140 Wis. 2d 447 (Ct. App. 1987)

Honore v. Honore, 149 Wis. 2d 512 (Ct. App. 1989)

Ross v. Ross, 149 Wis. 2d 713 (Ct. App. 1989)

Nichols v. Nichols, 162 Wis. 2d 96 (1991) (Reversing 156 Wis. 2d 503 (Ct. App. 1990))

Krieman v. Goldberg, 214 Wis. 2d 163 (Ct. App. 1997)

Evenson v. Evenson, 228 Wis. 2d 676 (Ct. App. 1999)

Avres v. Avres, 230 Wis, 2d 431 (Ct. App. 1999)

Fritz v. Fritz, 231 Wis. 2d 33 (Ct. App. 1999)

Van Boxtel v. Van Boxtel, 2001 WI 40, 242 Wis. 2d 474

Polakowski v. Polakowski, 2003 WI App 20, 259 Wis, 2d 765

Hottenroth v. Hetsko, 2006 WI App 249, 298 Wis. 2d 200

Wood v. Propeck, 2007 WI App 24, 299 Wis. 2d 470

Motte v. Motte, 2007 WI App 111, 300 Wis. 2d 621

Frisch v. Henrichs, 2007 WI 102, 304 Wis. 2d 1 (Reversing 2006 WI App 64, 290 Wis. 2d 739)

Jalovec v. Jalovec, 2007 WI App 206, 305 Wis. 2d 467

Tensfeldt v. Haberman, 2009 WI 77, 319 Wis. 2d 329

May v. May, 2012 WI 35, 339 Wis. 2d 626

Sainio v. Sainio, No. 2014AP873 (Wis. Ct. App. Mar. 31, 2015) (unpublished opinion)

Schwab v. Schwab, 2021 WI 67, Wis. 2d (Reversing 2020 WI App 40, 392 Wis. 2d 660)

#### Estoppel. See ESTOPPEL

# **Illusory Promise**

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Schwab v. Schwab, 2021 WI 67, ___ Wis. 2d ___ (Reversing 2020 WI App 40, 392 Wis. 2d 660)
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#### Intent

Wagner v. Estate of Sobczak, 2011 WI App 159, 338 Wis. 2d 92

# Interpretation

Spencer v. Spencer, 140 Wis. 2d 447 (Ct. App. 1987)

Duhame v. Duhame, 154 Wis. 2d 258 (Ct. App. 1989)

Weston v. Holt, 157 Wis. 2d 595 (Ct. App. 1990)

Ondrasek v. Tenneson, 158 Wis. 2d 690 (Ct. App. 1990)

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Krieman v. Goldberg, 214 Wis. 2d 163 (Ct. App. 1997)

Keller v. Keller, 214 Wis. 2d 32 (Ct. App. 1997)

Rosplock v. Rosplock, 217 Wis. 2d 22 (Ct. App. 1998)

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Waters v. Waters, 2007 WI App 40, 300 Wis. 2d 224

Frisch v. Henrichs, 2007 WI 102, 304 Wis. 2d 1 (Reversing 2006 WI App 64, 290 Wis. 2d 739)

Jalovec v. Jalovec, 2007 WI App 206, 305 Wis. 2d 467

Wagner v. Estate of Sobczak, 2011 WI App 159, 338 Wis. 2d 92

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Rose v. Rose, Nos. 2015AP2646, 2016AP692 (Wis. Ct. App. Dec. 21, 2016) (unpublished opinion)

Pulkkila v. Pulkkila, 2020 WI 34, 391 Wis. 2d 107 (Reversing No. 2018AP712-FT (Wis. Ct. App. Feb. 27, 2019) (unpublished opinion))

Reed v. Pappathopoulos, No. 2019AP801 (Wis. Ct. App. Apr. 16, 2019) (unpublished opinion)

# **Joint Custody**

*Abel v. Johnson*, 135 Wis. 2d 219 (Ct. App. 1986) (Overruled in part by *Herrell v. Herrell*, 144 Wis. 2d 479 (1988))

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# **Oral Stipulation**

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# **Proposed**

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# **Public Policy**

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#### **Recommendation to Court.** See also Effect this heading

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Evenson v. Evenson, 228 Wis. 2d 676 (Ct. App. 1999)

Ayres v. Ayres, 230 Wis. 2d 431 (Ct. App. 1999)

Van Boxtel v. Van Boxtel, 2001 WI 40, 242 Wis. 2d 474

Polakowski v. Polakowski, 2003 WI App 20, 259 Wis. 2d 765

Hottenroth v. Hetsko, 2006 WI App 249, 298 Wis. 2d 200

#### Reconsideration

Hottenroth v. Hetsko, 2006 WI App 249, 298 Wis. 2d 200

#### Standard of Review

Spencer v. Spencer, 140 Wis. 2d 447 (Ct. App. 1987)

Weston v. Holt, 157 Wis. 2d 595 (Ct. App. 1990)

Ondrasek v. Tenneson, 158 Wis. 2d 690 (Ct. App. 1990)

Keller v. Keller, 214 Wis. 2d 32 (Ct. App. 1997)

Krieman v. Goldberg, 214 Wis. 2d 163 (Ct. App. 1997)

Rosplock v. Rosplock, 217 Wis. 2d 22 (Ct. App. 1998)

Evenson v. Evenson, 228 Wis. 2d 676 (Ct. App. 1999)

Patrickus v. Patrickus, 2000 WI App 255, 239 Wis. 2d 340

Polakowski v. Polakowski, 2003 WI App 20, 259 Wis. 2d 765

Hottenroth v. Hetsko, 2006 WI App 249, 298 Wis. 2d 200

Wagner v. Estate of Sobczak, 2011 WI App 159, 338 Wis. 2d 92

Sainio v. Sainio, No. 2014AP873 (Wis. Ct. App. Mar. 31, 2015) (unpublished opinion)

K.S.C. v. R.C. (In re Paternity of L.C.), No. 2015AP1508 (Wis. Ct. App. Aug. 3, 2016) (unpublished opinion)

Rose v. Rose, Nos. 2015AP2646, 2016AP692 (Wis. Ct. App. Dec. 21, 2016) (unpublished opinion)

Pulkkila v. Pulkkila, 2020 WI 34, 391 Wis. 2d 107 (Reversing No. 2018AP712-FT (Wis. Ct. App. Feb. 27, 2010) (current list ad agricing))

2019) (unpublished opinion))

Reed v. Pappathopoulos, No. 2019AP801 (Wis. Ct. App. Apr. 16, 2019) (unpublished opinion)

# **Statutory Interpretation**

Polakowski v. Polakowski, 2003 WI App 20, 259 Wis. 2d 765

# Waiver. See WAIVER

#### Withdrawal

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#### STOCK AGREEMENT

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# STOCK OPTION AGREEMENT

Wilke v. Wilke, 212 Wis. 2d 271 (Ct. App. 1997)

#### STOCK OPTIONS

See also PROPERTY DIVISION; VALUATION

#### Discretion

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#### **SUBROGATION**

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#### SUBSTANTIAL CHANGE IN CIRCUMSTANCES

See also MODIFICATION OF CHILD SUPPORT; MODIFICATION OF CUSTODY; MODIFICATION OF MAINTENANCE

#### **Definition.** See also MODIFICATION OF MAINTENANCE

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#### Standard of Review

Abbas v. Palmersheim (In re Paternity of Nicholas B.P.), 2004 WI App 126, 275 Wis. 2d 311 Greene v. Hahn, 2004 WI App 214, 277 Wis. 2d 473 Hacker v. Hacker, 2005 WI App 211, 287 Wis. 2d 180

#### SUBSTITUTION OF JUDGE

See also APPEAL

State ex rel. Parrish v. Kenosha County Circuit Court, 148 Wis. 2d 700 (1989)
State ex rel. Hubert v. Circuit Court, 163 Wis. 2d 517 (Ct. App. 1991)
Steven J.S. v. Steven M.S. (In re Paternity of Steven J.S.), 183 Wis. 2d 372 (Ct. App. 1994)
Miller v. Carroll (In re Paternity of B.J.M.), 2020 WI 56, 392 Wis. 2d 49 (Affirming 2019 WI App 10, 386 Wis. 2d 267)

#### **SUMMARY JUDGMENT**

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# SUMMARY REVERSAL

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# **SUPPORT**

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# SUPREMACY CLAUSE

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#### **SURROGACY**

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#### **TAXES**

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#### TEMPORARY ORDER

See also MODIFICATION OF CUSTODY

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#### TERMINATION OF PARENTAL RIGHTS

See also CUSTODY

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H.F. v. T.F. (In re Grandparental Visitation of C.G.F.), 168 Wis. 2d 62 (1992)

Thomas M.P. v. Kimberly J.L. (In re Paternity of Baby Doe), 207 Wis. 2d 388 (Ct. App. 1996)

Elgin W. v. Wisconsin Dep't of Health & Family Servs (In re Custody & Visitation of Jeffrey A.W.), 221 Wis. 2d 36 (Ct. App. 1998)

State v. Alice H. (In re Paternity of Shalynda S.J.), 2000 WI App 228, 239 Wis. 2d 194

Kimberly S.S. v. Sebastian X.L. (In re Termination of Parental Rights to Jillian K.L.), 2005 WI App 83, 281 Wis. 2d 261

Rosecky v. Schissel (In re Paternity of F.T.R.), 2013 WI 66, 349 Wis. 2d 84

T.M.H. v. A.N.W. (In re Termination of Parental Rights to J.M.H.), No. 2016AP1981 (Wis. Ct. App. Dec. 29, 2016) (unpublished opinion)

# **Statutory Interpretation**

Kimberly S.S. v. Sebastian X.L. (In re Termination of Parental Rights to Jillian K.L.), 2005 WI App 83, 281 Wis. 2d 261

T.M.H. v. A.N.W. (In re Termination of Parental Rights to J.M.H.), No. 2016AP1981 (Wis. Ct. App. Dec. 29, 2016) (unpublished opinion).

# THIRD PARTIES

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# **Liability of Escrow Agent**

Black v. Metro Title, Inc., 2006 WI App 52, 290 Wis. 2d 213

#### **TITLE**

See MARITAL PROPERTY ACT

#### TORT ACTION

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# TORT ACTION (INTERSPOUSAL)

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Stuart v. Stuart, 143 Wis. 2d 347 (1988) (Affirming 140 Wis. 2d 455 (Ct. App. 1987))

Gardner v. Gardner, 175 Wis. 2d 420 (Ct. App. 1993)

Caulfield v. Caulfield, 183 Wis. 2d 83 (Ct. App. 1994)

Knafelc v. Dain Bosworth, Inc., 224 Wis. 2d 346 (Ct. App. 1999)

#### **TRACING**

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#### **Definition**

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#### Discretion

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

#### Standard of Review

Lloyd v. Lloyd (In re Estate of Lloyd), 170 Wis. 2d 240 (Ct. App. 1992)

Estate of Kobylski v. Hellstern (In re Estate of Kobylski), 178 Wis. 2d 158 (Ct. App. 1993)

Doerr v. Doerr, 189 Wis. 2d 112 (Ct. App. 1994)

#### **TRANSMUTATION**

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#### TRIAL COURT DISCRETION

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See ICWA; JUDGMENTS; JURISDICTION—Indian Reservation

#### TRUST INCOME

See CHILD SUPPORT—Gross Income Exclusions/Inclusions; MAINTENANCE—Gross Income Exclusions/Inclusions

#### **TRUSTS**

See CHILD SUPPORT; MAINTENANCE—Gross Income Exclusions/Inclusions; MODIFICATION OF CHILD SUPPORT—Arrearages; PATERNITY; PROPERTY DIVISION

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# UCCJA (UNIFORM CHILD CUSTODY JURISDICTION ACT)

See also generally CUSTODY; MODIFICATION OF CUSTODY; PKPA; UCCJEA

**Abduction.** See Misconduct this heading

#### Choice of Forum. See also Inconvenient Forum, Venue this heading

Colby v. Colby, 102 Wis. 2d 198 (1981)

P.C. v. C.C. (In the Interest of A.E.H.), 161 Wis. 2d 277 (1991) (Reversing 152 Wis. 2d 182 (Ct. App. 1989))

Davidson v. Davidson, 169 Wis. 2d 546 (Ct. App. 1992)

Paula M.S. v. Neal A.R. (In re Paternity of Carlin L.S.), 226 Wis. 2d 79 (Ct. App. 1999)

# **Court Communication**

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# **Emergency Jurisdiction**

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P.C. v. C.C. (In the Interest of A.E.H.), 152 Wis. 2d 182 (Ct. App. 1989) (Reversed by 161 Wis. 2d 277 (1991))

#### **Full Faith and Credit**

Dragoo v. Dragoo, 99 Wis. 2d 42 (Ct. App. 1980)

#### **Home State**

Vorpahl v. Lee, 99 Wis. 2d 7 (Ct. App. 1980)
Dragoo v. Dragoo, 99 Wis. 2d 42 (Ct. App. 1980)
Gooch v. Gooch (In re Custody of R.J.G.), 107 Wis. 2d 704 (Ct. App. 1982)
P.C. v. C.C. (In the Interest of A.E.H.), 161 Wis. 2d 277 (1991) (Reversing 152 Wis. 2d 182 (Ct. App. 1989))
Michalik v. Michalik, 164 Wis. 2d 544 (Ct. App. 1991) (Affirmed by 172 Wis. 2d 640 (1993))
Davidson v. Davidson, 169 Wis. 2d 546 (Ct. App. 1992)

#### **Inconvenient Forum**

Vorpahl v. Lee, 99 Wis. 2d 7 (Ct. App. 1980) Colby v. Colby, 102 Wis. 2d 198 (1981) P.C. v. C.C. (In the Interest of A.E.H.), 161 Wis. 2d 277 (1991) (Reversing 152 Wis. 2d 182 (Ct. App. 1989))

# Interpretation

P.C. v. C.C. (In the Interest of A.E.H.), 161 Wis. 2d 277 (1991) (Reversing 152 Wis. 2d 182 (Ct. App. 1989))

#### Intervention

Sengstock v. San Carlos Apache Tribe (In re Custody of Sengstock), 165 Wis. 2d 86 (Ct. App. 1991)

#### Jurisdiction

Vorpahl v. Lee, 99 Wis. 2d 7 (Ct. App. 1980)

Gooch v. Gooch (In re Custody of R.J.G.), 107 Wis. 2d 704 (Ct. App. 1982)

Thompson v. Thompson, 129 Wis. 2d 348 (Ct. App. 1986)

Vause v. Vause, 140 Wis. 2d 157 (Ct. App. 1987)

P.C. v. C.C. (In the Interest of A.E.H.), 152 Wis. 2d 182 (Ct. App. 1989) (Reversed by 161 Wis. 2d 277 (1991))

P.C. v. C.C. (In the Interest of A.E.H.), 161 Wis. 2d 277 (1991) (Reversing 152 Wis. 2d 182 (Ct. App. 1989))

Sengstock v. San Carlos Apache Tribe (In re Custody of Sengstock), 165 Wis. 2d 86 (Ct. App. 1991)

Davidson v. Davidson, 169 Wis. 2d 546 (Ct. App. 1992)

Paula M.S. v. Neal A.R. (In re Paternity of Carlin L.S.), 226 Wis. 2d 79 (Ct. App. 1999)

#### Misconduct

Vorpahl v. Lee, 99 Wis. 2d 7 (Ct. App. 1980)

Gooch v. Gooch (In re Custody of R.J.G.), 107 Wis. 2d 704 (Ct. App. 1982)

P.C. v. C.C. (In the Interest of A.E.H.), 161 Wis. 2d 277 (1991) (Reversing 152 Wis. 2d 182 (Ct. App. 1989))

# Preemption

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#### **Procedures**

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# **Purpose**

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P.C. v. C.C. (In the Interest of A.E.H.), 161 Wis. 2d 277 (1991) (Reversing 152 Wis. 2d 182 (Ct. App. 1989))

Davidson v. Davidson, 169 Wis. 2d 546 (Ct. App. 1992)

Michalik v. Michalik, 172 Wis. 2d 640 (1993) (Affirming 164 Wis. 2d 544 (Ct. App. 1991))

Larry R.W. v. Alan F.S. (In re Custody of Kit S.), 195 Wis. 2d 741 (Ct. App. 1995)

Paula M.S. v. Neal A.R. (In re Paternity of Carlin L.S.), 226 Wis. 2d 79 (Ct. App. 1999)

#### **Standing**

Davidson v. Davidson, 169 Wis. 2d 546 (Ct. App. 1992)

# **Stay of Proceedings**

Vorpahl v. Lee, 99 Wis. 2d 7 (Ct. App. 1980)

Venue. See also Choice of Forum this heading

Sharp v. Sharp, 185 Wis. 2d 416 (Ct. App. 1994)

# UCCJEA (UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT)

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#### **Home State**

Hatch v. Hatch (In re Custody of Kaitlyn Marie Kalbes), 2007 WI App 136, 302 Wis. 2d 215

#### **Inconvenient Forum**

Hatch v. Hatch (In re Custody of Kaitlyn Marie Kalbes), 2007 WI App 136, 302 Wis. 2d 215

#### Interpretation

Hatch v. Hatch (In re Custody of Kaitlyn Marie Kalbes), 2007 WI App 136, 302 Wis. 2d 215

# Purpose

Hatch v. Hatch (In re Custody of Kaitlyn Marie Kalbes), 2007 WI App 136, 302 Wis. 2d 215

# **UIFSA (UNIFORM INTERSTATE FAMILY SUPPORT ACT)**

Hubanks v. Hubanks, 204 Wis. 2d 386 (Ct. App. 1996)

Cepukenas v. Cepukenas, 221 Wis. 2d 166 (Ct. App. 1998)

Paula M.S. v. Neal A.R. (In re Paternity of Carlin L.S.), 226 Wis. 2d 79 (Ct. App. 1999)

#### Interpretation

Hubanks v. Hubanks, 204 Wis. 2d 386 (Ct. App. 1996)

Cepukenas v. Cepukenas, 221 Wis. 2d 166 (Ct. App. 1998)

#### UNIFORM FRAUDULENT TRANSFER ACT

Zabel v. Zabel, 210 Wis. 2d 336 (Ct. App. 1997)

# UNJUST ENRICHMENT

See also COHABITATION

Meyer v. Meyer, 2000 WI App 12, 232 Wis. 2d 191 (Reversed by 2000 WI 132, 239 Wis. 2d 731)

*Ulrich v. Zemke*, 2002 WI App 246, 258 Wis. 2d 180

Sulzer v. Diedrich, 2002 WI App 278, 258 Wis. 2d 684 (Modified and, as modified, affirmed by 2003 WI 90, 263 Wis. 3d 496)

Dahlke v. Dahlke, 2002 WI App 282, 258 Wis. 2d 764

Sands v. Menard, 2017 WI 110, 379 Wis. 2d 1

#### Discretion

Ulrich v. Zemke, 2002 WI App 246, 258 Wis. 2d 180

Sulzer v. Diedrich, 2002 WI App 278, 258 Wis. 2d 684 (Modified and, as modified, affirmed by 2003 WI 90, 263 Wis. 3d 496)

#### Standard of Review

Ulrich v. Zemke, 2002 WI App 246, 258 Wis. 2d 180

Sulzer v. Diedrich, 2002 WI App 278, 258 Wis. 2d 684 (Modified and, as modified, affirmed by 2003 WI 90,

263 Wis. 3d 496)

# URESA (REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT)

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# **Concurrent Support Orders**

Hubanks v. Hubanks, 204 Wis. 2d 386 (Ct. App. 1996)

# **Corporation Counsel**

Horch v. Ponik, 132 Wis. 2d 373 (Ct. App. 1986)

#### **Counterclaims**

State ex rel. Hubbard v. Hubbard, 110 Wis. 2d 683 (1983)

#### **Defenses**

State ex rel. Hubbard v. Hubbard, 110 Wis. 2d 683 (1983)

# Interpretation

Hubanks v. Hubanks, 204 Wis. 2d 386 (Ct. App. 1996)

#### Jurisdiction

State ex rel. Hubbard v. Hubbard, 110 Wis. 2d 683 (1983) Louisiana ex rel. Eaton v. Leis, 120 Wis. 2d 271 (Ct. App. 1984) Davanis v. Davanis, 132 Wis. 2d 318 (Ct. App. 1986) Daniel-Nordin v. Nordin, 173 Wis. 2d 635 (1993)

# Misconduct

State ex rel. Hubbard v. Hubbard, 110 Wis. 2d 683 (1983) Louisiana ex rel. Eaton v. Leis, 120 Wis. 2d 271 (Ct. App. 1984)

# **Procedure**

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# Relationship to UIFSA

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# VACATE RESIDENCE

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#### **Business**

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# **Buy-Sell Agreement**

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#### **Close Corporation**

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# Compromise

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Holbrook v. Holbrook, 103 Wis. 2d 327 (Ct. App. 1981)

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Sommerfield v. Sommerfield, 154 Wis. 2d 840 (Ct. App. 1990)

Wikel v. Wikel, 168 Wis. 2d 278 (Ct. App. 1992)

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#### **Discount Factor**

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Sommerfield v. Sommerfield, 154 Wis. 2d 840 (Ct. App. 1990)

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# **Double Counting.** See MAINTENANCE; PROPERTY DIVISION

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#### Fair Market Value

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#### -professional

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# **Hypothetical Sale Expenses**

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#### Leases

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# **Limited Partnership**

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#### **Real Estate**

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# Retirement Funds. See RETIREMENT FUNDS

# **Service Corporation**

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# **Special Circumstances Test**

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Long v. Long, 196 Wis. 2d 691 (Ct. App. 1995)

Siker v. Siker, 225 Wis. 2d 522 (Ct. App. 1999)

Garceau v. Garceau, 2000 WI App 7, 232 Wis. 2d 1

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# **Stock Options**

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#### Stocks

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# **Tax Impact**

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#### **Tax Shelters**

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# **Work in Progress**

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#### **VENUE**

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Sharp v. Sharp, 185 Wis. 2d 416 (Ct. App. 1994)

# Modification of Custody. See MODIFICATION OF CUSTODY

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Sharp v. Sharp, 185 Wis. 2d 416 (Ct. App. 1994)

# **Statutory Interpretation**

Sharp v. Sharp, 185 Wis. 2d 416 (Ct. App. 1994)

#### **Transfer**

Sharp v. Sharp, 185 Wis. 2d 416 (Ct. App. 1994)

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# VIDEOTAPED TESTIMONY

J.L.K. v. J.J. (In re Paternity of J.L.K.), 151 Wis. 2d 566 (Ct. App. 1989)

#### **VISITATION**

(Note: Since 1987, this term has a more limited meaning. *See* Wis. Stat. §§ 767.41 and 767.43.) *See also* MODIFICATION OF CHILD SUPPORT; MODIFICATION OF PHYSICAL PLACEMENT; MODIFICATION OF VISITATION; PHYSICAL PLACEMENT *Long v. Ardestani*, 2001 WI App 46, 241 Wis. 2d 498

# Arbitration

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#### **Burden of Proof**

Holtzman v. Knott (In re Custody of H.S.H.-K.), 193 Wis. 2d 649 (1995) Michels v. Lyons (In re Grandparental Visitation of A.A.L.), 2019 WI 57, 387 Wis. 2d 1

#### **Definition**

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# **Delegation**

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F.R. v. T.B. (In re Visitation of Z.E.R.), 225 Wis. 2d 628 (Ct. App. 1999)

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# **Equitable Power**

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#### **Factors**

Westrate v. Westrate, 124 Wis. 2d 244 (Ct. App. 1985) G.R.S. v. J.R.G. (In re Custody of L.J.G.), 141 Wis. 2d 503 (Ct. App. 1987)

# **Geographic Limitation**

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# Legal Standard

Biel v. Biel, 114 Wis. 2d 191 (Ct. App. 1983)

G.R.S. v. J.R.G. (In re Custody of L.J.G.), 141 Wis. 2d 503 (Ct. App. 1987)

Soergel v. Raufman, 154 Wis. 2d 564 (1990)

Holtzman v. Knott (In re Custody of H.S.H.-K.), 193 Wis. 2d 649 (1995)

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F.R. v. T.B. (In re Visitation of Z.E.R.), 225 Wis. 2d 628 (Ct. App. 1999)

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Rogers v. Rogers (In re Grandparental Visitation of David R.), 2007 WI App 50, 300 Wis. 2d 532

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

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Bowden v. Korslin (In re Placement of A.M.K.), No. 2011AP2660 (Wis. Ct. App. Sept. 5, 2013) (unpublished opinion)

S.A.M. v. Meister, No. 2014AP1283 (Wis. Ct. App. Feb. 5, 2015) (unpublished opinion) (Reversed by 2016 WI 22, 367 Wis. 2d 447)

S.A.M. v. Meister, 2016 WI 22, 367 Wis. 2d 447 (Reversing No. 2014AP1283 (Wis. Ct. App. Feb. 5, 2015) (unpublished opinion))

T.M.H. v. A.N.W. (In re Termination of Parental Rights to J.M.H.), No. 2016AP1981 (Wis. Ct. App. Dec. 29, 2016) (unpublished opinion)

#### Mediation. See also PHYSICAL PLACEMENT

Biel v. Biel, 114 Wis. 2d 191 (Ct. App. 1983)

F.R. v. T.B. (In re Visitation of Z.E.R.), 225 Wis. 2d 628 (Ct. App. 1999)

#### **Modification.** See MODIFICATION OF VISITATION

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#### **Preemption**

Holtzman v. Knott (In re Custody of H.S.H.-K.), 193 Wis. 2d 649 (1995)

#### **Presumption**

Rick v. Opichka (In re Grandparental Visitation of Edward O.), 2010 WI App 23, 323 Wis. 2d 510

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#### **Purpose**

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# Standard of Review

G.R.S. v. J.R.G. (In re Custody of L.J.G.), 141 Wis. 2d 503 (Ct. App. 1987)

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F.R. v. T.B. (In re Visitation of Z.E.R.), 225 Wis. 2d 628 (Ct. App. 1999)

Roger D.H. v. Virginia O. (In re Paternity of Roger D.H.), 2002 WI App 35, 250 Wis. 2d 747

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Rogers v. Rogers (In re Grandparental Visitation of David R.), 2007 WI App 50, 300 Wis. 2d 532

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

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#### Standing

Sporleder v. Hermes (In the Interest of Z.J.H.), 162 Wis. 2d 1002 (1991) (Affirming 157 Wis. 2d 431 (Ct. App. 1990))

Cox v. Williams, 171 Wis. 2d 227 (Ct. App. 1992) (Reversed by 177 Wis. 2d 433 (1993))

Bybee v. Noonan (In re Custody of Noonan), 171 Wis. 2d 706 (Ct. App. 1992)

Cox v. Williams, 177 Wis. 2d 433 (1993) (Reversing 171 Wis. 2d 227 (Ct. App. 1992))

Patricia H.C. v. Louise H. (In re Paternity of Nastassja L.H.-J.), 181 Wis. 2d 666 (Ct. App. 1993)

Marquardt v. Hegemann-Glascock (In re Grandparent Visitation of Zachary P.H.), 190 Wis. 2d 447 (Ct. App. 1994)

Holtzman v. Knott (In re Custody of H.S.H.-K.), 193 Wis. 2d 649 (1995)

Elgin W. v. Wisconsin Dep't of Health & Family Servs (In re Custody & Visitation of Jeffrey A.W.), 221 Wis. 2d 36 (Ct. App. 1998)

Lubinski v. Lubinski, 2008 WI App 151, 314 Wis. 2d 395

T.M.H. v. A.N.W. (In re Termination of Parental Rights to J.M.H.), No. 2016AP1981 (Wis. Ct. App. Dec. 29, 2016) (unpublished opinion)

# **Statutory Interpretation**

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Van Cleve v. Hemminger, 141 Wis. 2d 543 (Ct. App. 1987)

Soergel v. Raufman, 154 Wis. 2d 564 (1990)

Bybee v. Noonan (In re Custody of Noonan), 171 Wis. 2d 706 (Ct. App. 1992)

Marquardt v. Hegemann-Glascock (In re Grandparent Visitation of Zachary P.H.), 190 Wis. 2d 447 (Ct. App. 1994)

Holtzman v. Knott (In re Custody of H.S.H.-K.), 193 Wis. 2d 649 (1995)

F.R. v. T.B. (In re Visitation of Z.E.R.), 225 Wis. 2d 628 (Ct. App. 1999)

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# **Third Parties**

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F.P.R. v. J.M. (In re Custody of D.M.M.), 137 Wis. 2d 375 (1987) (Reversing 128 Wis. 2d 265 (Ct. App. 1985))

Van Cleve v. Hemminger, 141 Wis. 2d 543 (Ct. App. 1987)

Soergel v. Raufman, 154 Wis. 2d 564 (1990)

Sporleder v. Hermes (In the Interest of Z.J.H.), 157 Wis. 2d 431 (Ct. App. 1990) (Affirmed by 162 Wis. 2d 1002 (1991))

Sporleder v. Hermes (In the Interest of Z.J.H.), 162 Wis. 2d 1002 (1991) (Affirming 157 Wis. 2d 431 (Ct. App. 1990))

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Cox v. Williams, 171 Wis. 2d 227 (Ct. App. 1992) (Reversed by 177 Wis. 2d 433 (1993))

Bybee v. Noonan (In re Custody of Noonan), 171 Wis. 2d 706 (Ct. App. 1992)

Cox v. Williams, 177 Wis. 2d 433 (1993) (Reversing 171 Wis. 2d 227 (Ct. App. 1992))

Patricia H.C. v. Louise H. (In re Paternity of Nastassja L.H.-J.), 181 Wis. 2d 666 (Ct. App. 1993)

Marquardt v. Hegemann-Glascock (In re Grandparent Visitation of Zachary P.H.), 190 Wis. 2d 447 (Ct. App. 1994)

Holtzman v. Knott (In re Custody of H.S.H.-K.), 193 Wis. 2d 649 (1995)

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F.R. v. T.B. (In re Visitation of Z.E.R.), 225 Wis. 2d 628 (Ct. App. 1999)

Troxel v. Granville, 530 U.S. 57 (2000)

Roger D.H. v. Virginia O. (In re Paternity of Roger D.H.), 2002 WI App 35, 250 Wis. 2d 747

Lofthus v. Lofthus, 2004 WI App 65, 270 Wis. 2d 515

Arnold v. Arnold, 2004 WI App 62, 270 Wis. 2d 705

Martin L. v. Julie R.L. (In the Interest of Nicholas L.), 2007 WI App 37, 299 Wis. 2d 768

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Rick v. Opichka (In re Grandparental Visitation of Edward O.), 2010 WI App 23, 323 Wis. 2d 510

Wohlers v. Broughton (In re Paternity of E.M.B.), 2011 WI App 122, 337 Wis. 2d 107

Bowden v. Korslin (In re Placement of A.M.K.), No. 2011AP2660 (Wis. Ct. App. Sept. 5, 2013) (unpublished opinion)

S.A.M. v. Meister, No. 2014AP1283 (Wis. Ct. App. Feb. 5, 2015) (unpublished opinion) (Reversed by 2016 WI 22, 367 Wis. 2d 447)

S.A.M. v. Meister, 2016 WI 22, 367 Wis. 2d 447 (Reversing No. 2014AP1283 (Wis. Ct. App. Feb. 5, 2015) (unpublished opinion))

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Ct. App. Sept. 29, 2020) (unpublished opinion) (review denied)

Vallejos v. Kramschuster (In re Finding of Contempt in In re Paternity of S.L.V.K.), No. 2019AP2146 (Wis. Ct. App. Oct. 27, 2020) (unpublished opinion)

# Time Limitation. See also CUSTODY—Alternating Custody

Westrate v. Westrate, 124 Wis. 2d 244 (Ct. App. 1985)

# Travel Expenses. See MODIFICATION OF CHILD SUPPORT

# **Triggering Event**

Holtzman v. Knott (In re Custody of H.S.H.-K.), 193 Wis. 2d 649 (1995)

Bowden v. Korslin (In re Placement of A.M.K.), No. 2011AP2660 (Wis. Ct. App. Sept. 5, 2013) (unpublished opinion)

#### VOCATIONAL COUNSELOR

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#### W

#### WAIVER

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# **Attorney Disqualification**

Batchelor v. Batchelor, 213 Wis. 2d 251 (Ct. App. 1997)

#### **Blood Test**

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# **Burden of Proof**

Evjen v. Evjen, 171 Wis. 2d 677 (Ct. App. 1992)

# **Child Support**

Douglas County Child Support Enforcement Unit v. Fisher, 185 Wis. 2d 662 (Ct. App. 1994) Krieman v. Goldberg, 214 Wis. 2d 163 (Ct. App. 1997)

#### **Child Support Arrearages**

Motte v. Motte, 2007 WI App 111, 300 Wis. 2d 621

#### Competency

Gadsby v. Martinez (In re Paternity of M.A.M.), No. 2015AP1239 (Wis. Ct. App. Apr. 19, 2016) (unpublished opinion)

# **By Conduct**

Douglas County Child Support Enforcement Unit v. Fisher, 185 Wis. 2d 662 (Ct. App. 1994)

#### Failure to Raise

Gadsby v. Martinez (In re Paternity of M.A.M.), No. 2015AP1239 (Wis. Ct. App. Apr. 19, 2016) (unpublished opinion)

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#### Manifest Error Rule. See MOTIONS

# **Modification of Custody**

Gadsby v. Martinez (In re Paternity of M.A.M.), No. 2015AP1239 (Wis. Ct. App. Apr. 19, 2016) (unpublished opinion)

#### **Retirement Funds**

Kennedy v. Plan Adm'r for DuPont Sav. & Inv. Plan, 555 U.S. 285 (2009)

# **Standard of Review.** See also APPEAL—Standard of Review (invited error)

Douglas County Child Support Enforcement Unit v. Fisher, 185 Wis. 2d 662 (Ct. App. 1994)

State v. Freymiller (In re Support of C.L.F.), 2007 WI App 6, 298 Wis. 2d 333

Gadsby v. Martinez (In re Paternity of M.A.M.), No. 2015AP1239 (Wis. Ct. App. Apr. 19, 2016) (unpublished opinion)

# By Stipulation

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