COURT OF APPEALS
DECISION
DATED AND RELEASED

June 6, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-0229-FT

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

In re the Marriage of:

TERESA ANN HARE,

Petitioner-Respondent,

v.

GEORGE NOEL HARE,

Respondent-Appellant.

APPEAL from an order of the circuit court for Juneau County: JOHN W. BRADY, Judge. *Affirmed*.

Before Gartzke, P.J., Dykman and Vergeront, JJ.

PER CURIAM. George Noel Hare appeals from an order denying his motion to reduce his family support obligation.[1] George incurred that

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

obligation pursuant to a marital settlement agreement incorporated into the judgment divorcing him from Teresa Hare. He sought a reduction based on his worsening financial situation and on a change in the children's physical placement schedule. However, the parties' settlement agreement provided that the family support payments "shall be considered to be permanent and nonalterable by the parties for any reason except as agreed by the parties." On the basis of that provision, the trial court held George estopped from seeking reduced payments. We agree and therefore affirm.

George contends that public policy bars enforcement of agreements not to modify child support, and that the same rule should apply to family support agreements. However, we reject his contention as applied in this case. This court has announced a public policy that prevents enforcement of agreements that put a ceiling on the child support obligation. ***Ondrasek v. Tenneson***, 158 Wis.2d 690, 696-97, 462 N.W.2d 915, 918 (Ct. App. 1990). This policy rests on "the statutory goal of providing for the best interest of the child." ***Id***. at 697, 462 N.W.2d at 918. It does not bar the court from estopping a party who has previously agreed never to seek a reduction in support. The distinction between family support and child support is therefore immaterial. George may not invoke public policy to avoid an agreement that prevents him from seeking a reduction in the amount of support available to his children.

By the Court.—Order affirmed.

This opinion will not be published.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