

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 1, 2007

A. John Voelker
Acting Clerk of Court of Appeals

NOTICE

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

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

Appeal No. 2005AP2798

Cir. Ct. No. 1998PA32

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

IN RE THE PATERNITY OF S.R.S.:

STATE OF WISCONSIN AND JENNIFER R. SINGLETARY,

PETITIONERS-RESPONDENTS,

V.

JOHN V. GROSS, JR.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Sauk County:
JAMES EVENSON, Judge. *Affirmed.*

Before Lundsten, P.J., Vergeront and Higginbotham, JJ.

¶1 PER CURIAM. John Gross, Jr., appeals an order denying his motion to modify the amount deducted from his prison wages for child support.

He argues that the circuit court erroneously exercised its discretion in denying the motion. We affirm.

¶2 Gross first contends that the circuit court erroneously exercised its discretion in refusing to exempt from deduction for his child support obligation the first \$50 of his monthly prison wages. Before a court may modify a child support obligation, the court must find that there has been a “substantial change” in the circumstances of one of the parties or the child. WIS. STAT. § 767.32(1)(a) (2003-04).¹ We will uphold a circuit court’s order denying a motion to modify child support unless the circuit court misuses its discretion. *See Parker v. Parker*, 152 Wis. 2d 1, 3, 447 N.W.2d 64 (Ct. App. 1989). Gross’s motion does not explain why he believes there has been a substantial change in circumstances since the last child support order was entered on November 21, 2003. Therefore, we conclude that the circuit court properly denied the motion. *See State v. Gaines*, 197 Wis. 2d 102, 109 n.5, 539 N.W.2d 723 (Ct. App. 1995) (“[W]e may affirm a judgment or order supported by the record even though the trial court may have reached the same result for a different reason.”).²

¶3 Gross next argues that the circuit court erroneously exercised its discretion in refusing to exempt monetary gifts he receives from his mother. We disagree. Under WIS. STAT. § 767.265(1), “[e]ach order for child support ...

¹ All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

² Gross contends the deductions for child support improperly place him below the poverty line established by the federal government. WISCONSIN STAT. 767.265(1) provides that arrearages may not be added to a support order if the addition places the payor below the federal poverty line. This statute does not apply to prisoners who are not out in the community supporting themselves.

constitutes an assignment of ... money due or to be due in the future” When Gross’s mother provides funds to prison officials, they are obligated to transmit the money to Gross. Because the money is “due” to Gross once his mother has provided it to prison officials, it falls under the purview of the statute.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

