COURT OF APPEALS
DECISION
DATED AND RELEASED

SEPTEMBER 19, 1995

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. 95-0186-FT

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

KELLY A. SVOMA,

Plaintiff-Respondent,

v.

RICK POSPISIL and
BONNIE POSPISIL,

Respondents-Appellants.

APPEAL from an order of the circuit court for Rusk County: FREDERICK A. HENDERSON, Judge. *Affirmed*.

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Rick and Bonnie Pospisil appeal a trial court postjudgment order that denied their second motion to modify a default judgment.[1] The Pospisils have not appealed an earlier trial court order denying

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

their first motion to modify the default judgment. In the default judgment, the trial court ordered the Pospisils to pay Bonnie's sister, Kelly Svoma, child support for their daughter, who has left the Pospisils' home and now lives with Svoma, without a custody or guardianship order. The Pospisils argue that (1) Svoma had no standing to seek child support and that (2) the child support should terminate at their daughter's eighteenth birthday. We reject these arguments and affirm the trial court's order.

Neither of the Pospisils' arguments have merit. First, they have waived their right to challenge Svoma's trial court standing. Although the Pospisils challenged Svoma's trial court standing in their first postjudgment motion, they never appealed the trial court order denying that motion. Their notice of appeal sought to review only the trial court order denying their second postjudgment motion; it did not identify the earlier trial court order as part of the appeal. Litigants' notices of appeal must identify the final orders that they seek to appeal. *See* ***State v. Ascencio***, 92 Wis.2d 822, 825, 285 N.W.2d 910, 912 (Ct. App. 1979); *see also* RULE 809.10(1)(a), STATS. Although the Pospisils' second postjudgment motion also raised the standing issue, this did not allow them to raise that issue in an appeal from the second postjudgment order. They forever lost the standing issue by not appealing the first postjudgment order. *See* ***Ver Hagen v. Gibbons***, 55 Wis.2d 21, 25-26, 197 N.W.2d 752, 754-55 (1972).

Second, ***Ver Hagen*** also bars the Pospisils from raising the child support issue. The Pospisils did not formally raise this issue in their first postjudgment motion; their written motion raised only the standing issue. Nonetheless, they orally alluded to the child support issue near the hearing's end, after the trial court had refused to consider the standing issue. This was sufficient to place the issue before the trial court for purposes of the ***Ver Hagen*** doctrine. When the trial court refused to consider the standing and child support issues on the ground that it found no mistake or excusable neglect, the Pospisils had an obligation to appeal the trial court's first postjudgment order in order to preserve their right to appellate review. Under the ***Ver Hagen*** doctrine, they lost their appellate rights by foregoing an appeal of the first postjudgment order, filing a second postjudgment motion, and then appealing the trial court's second postjudgment order denying that motion.

In any event, regardless of ***Ver Hagen***, the Pospisils have no legal basis to terminate their daughter's child support at her eighteenth birthday. The

trial court rejected the Pospisils' argument on the ground that the legislature had preempted courts on the issue and deprived them of their discretion. We therefore examine the applicable statute. Section 767.25(4), STATS., expressly provides that child support orders must continue until the child reaches the age of nineteen, as long as she is pursuing accredited instruction leading to a high school diploma. This provision is clear, specific, and unambiguous on the child support question; it therefore supersedes all other, more general child emancipation laws in the specific realm of child support. *See, e.g.*, ***Estate of Cavanaugh***, 191 Wis.2d 244, 262, 528 N.W.2d 492, 499 (Ct. App. 1995). Inasmuch as the Pospisils' daughter is still pursuing high school studies, the trial court correctly ruled that it had a statutory obligation to continue the child support until her nineteenth birthday.

By the Court.—Order affirmed.

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