



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT II/IV**

January 29, 2015

To:

Hon. Linda M. Van De Water  
Circuit Court Judge  
Waukesha County Courthouse  
515 W. Moreland Blvd.  
Waukesha, WI 53188

Kathleen A. Madden  
Clerk of Circuit Court  
Waukesha County Courthouse  
515 W. Moreland Blvd.  
Waukesha, WI 53188

Elizabeth Feyrer Bagley  
Squires III, STE 204  
N19 W24075 N. Riverwood Dr.  
Waukesha, WI 53188-1170

Julie M. Gay  
Brenner, Wall & Gay, LLP  
520 N. Grand Ave.  
Waukesha, WI 53186

Timothy J. Ward  
208 Debary Dr.  
Debary, FL 32713

You are hereby notified that the Court has entered the following opinion and order:

---

2014AP318

In re the marriage of: Mary E. Ward v. Timothy J. Ward  
(L.C. # 1996FA1369)

Before Blanchard, P.J., Sherman and Kloppenburg, JJ.

Timothy Ward, pro se, appeals a circuit court order that found Timothy in default and dismissed Timothy's motion to modify his child support, arrears payments, and arrears balance.<sup>1</sup> Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12).<sup>2</sup> We summarily affirm.

---

<sup>1</sup> Because the parties share a surname, we refer to them by their first names for ease of reading.

<sup>2</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

In October 2013, Timothy moved to modify his child support payments to his ex-spouse, Mary Ward. Timothy also sought to modify his child support arrears balance and monthly payments. In December 2013, the Family Court Commissioner issued a decision holding open Timothy's child support payments and reducing the balance of Timothy's child support arrears.

Mary moved for a hearing de novo, which was ultimately scheduled for January 15, 2014. On January 10, 2014, Timothy moved to appear by telephone, explaining that he resides in Florida. The court denied the request. Timothy moved again to appear by telephone on the morning of the hearing, explaining that he lives in Florida and that he is unable to leave the state because he is on probation.

The circuit court entered an order finding Timothy in default, explaining that the court had denied Timothy's request to appear by telephone and Timothy had failed to appear at the hearing. The court vacated the court commissioner's order, dismissed Timothy's motion to modify child support and arrears, and reinstated Timothy's arrears balance and monthly child support payments.

Timothy argues that the circuit court's child support orders between 1997 and 2005 demonstrate an erroneous exercise of discretion by failing to deviate from child support standards under WIS. STAT. § 767.511(1m) and by ordering the parties to share daycare expenses. He also argues that a family court commissioner previously assigned in this case was disqualified under WIS. STAT. § 757.19(2)(c).

The problem with Timothy's arguments is that they are outside the scope of this appeal. This appeal is from the circuit court's order on a de novo hearing of Timothy's motion to modify child support and arrears. As Mary points out, the time to appeal the prior child support orders

has passed, and we lack jurisdiction to review those orders. *See* WIS. STAT. § 808.04(1); WIS. STAT. RULE 809.10(1)(e). Additionally, Timothy has not explained the significance of the disqualification of a previously appointed court commissioner to the circuit court's decision on the hearing de novo in this case. In sum, Timothy has not developed any arguments arising from the court's decision on the hearing de novo, which would be the only issues we would reach in this appeal.<sup>3</sup>

Therefore,

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

---

*Diane M. Fremgen*  
*Clerk of Court of Appeals*

---

<sup>3</sup> To the extent Timothy disputes the circuit court's decision denying Timothy's request to appear by telephone, he does so for the first time in his reply brief and does not sufficiently develop the argument. We will not consider an argument that is raised for the first time in a reply brief and is insufficiently developed. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).