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**DISTRICT II/IV**

March 23, 2015

To:

Hon. Jeffrey S. Froehlich  
Circuit Court Judge  
Calumet County Courthouse  
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Clerk of Circuit Court  
Calumet County Courthouse  
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Chilton, WI 53014

Denise A. Bangart  
W2070 Schneider Rd.  
Hilbert, WI 54129

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

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2014AP1526

In re the marriage of: Denise A. Bangart v. Kim Scott Bangart  
(L.C. # 2008FA70)

Before Lundsten, Higginbotham and Kloppenburg, JJ.

Denise Bangart, pro se, appeals the circuit court's order modifying the child support. Denise is required to pay to her former spouse, Kim Bangart.<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 (2013-14).<sup>2</sup> We summarily affirm.

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

<sup>2</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

In February 2014, the Calumet County Child Support Agency moved to modify child support between Denise and Kim. After a hearing, the family court commissioner modified Denise's child support obligation to \$411 per month. Denise moved for a hearing de novo. Following the hearing de novo, the circuit court adopted the findings made by the family court commissioner and entered an order modifying Denise's child support obligation to \$411 per month.

Denise argues that the circuit court erred by ordering her to pay child support to Kim because, according to Denise, the evidence at the hearing de novo established that Denise's income and Kim's income are comparable.<sup>3</sup> Denise points out that the Calumet County Child Support Agency informed the court that, based on the financial information received from the parties, the agency did not recommend child support in this case. Denise also points to her own testimony that her income had decreased since 2013 and that Kim had other income that was not reflected in the court exhibits. Denise asserts that the order requiring her to pay child support is unfair based on the parties' comparable incomes. We are not persuaded that the court erred.

“Child support determinations are within the circuit court's discretion and will not be reversed absent an erroneous exercise of discretion.” *Lyman v. Lyman*, 2011 WI App 24, ¶12, 331 Wis. 2d 650, 795 N.W.2d 475. We uphold a court's exercise of discretion if the court

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<sup>3</sup> We note that Denise's brief lacks citations to the record or legal authority, and fails to set forth a developed legal argument, contrary to the rules of appellate procedure. We can and do reject Denise's arguments on that basis. See *State v. Gulrud*, 140 Wis. 2d 721, 730, 412 N.W.2d 139 (Ct. App. 1987). However, we choose to also address Denise's arguments on the merits, as best we understand them.

“relied on facts or inferences from the record and its conclusion was based on proper legal standards.” *Id.*

Here, at the hearing de novo, Denise agreed with the circuit court that Kim’s income was properly determined by the family court commissioner as \$4,400 per month, and that the only dispute was the amount of Denise’s income. Denise also conceded that, in the first five months of 2014, she had earned an amount that averaged \$5,301.31 per month. Additionally, Kim presented evidence that, in 2013, Denise earned \$6,363.18 per month. Denise argued, however, that her income had decreased significantly in recent months.

The circuit court found that Denise’s testimony that her income had declined lacked credibility. The court found, based on Denise’s own testimony, that Denise had earned \$5,301.31 per month for the first five months of 2014. The court also found that Denise had earned significantly higher amounts over the past few years. The court adopted the family court commissioner’s findings that Denise’s income from October 2011 to March 2014 averaged \$6,169 per month and that, under the child support guidelines for four minor children, Denise’s child support obligation was \$411 per month.<sup>4</sup> We are not persuaded that the circuit court erroneously exercised its discretion by modifying child support.<sup>5</sup>

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<sup>4</sup> Denise does not dispute the figures reached by the circuit court beyond arguing that the court should have believed Denise’s testimony that her income had declined to roughly the same as Kim’s. Credibility determinations, however, are left to the trier of fact. See *Johnson v. Merta*, 95 Wis. 2d 141, 151-52, 289 N.W.2d 813 (1980).

<sup>5</sup> Denise does not dispute that there was a substantial change of circumstances warranting a modification of child support under WIS. STAT. § 767.59(1f). The prior child support order was entered in July 2013, and set Denise’s child support obligation at \$512 per month. In that order, which Denise did not appeal, the court found that Denise’s income between October 2011 and May 2013 was \$6,436.14 per month.

Therefore,

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

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