

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 3, 2026

Samuel A. Christensen
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. 2025AP2654
STATE OF WISCONSIN**

Cir. Ct. No. 2016FA133

**IN COURT OF APPEALS
DISTRICT IV**

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

RHIANNON M. STROEDE,

APPELLANT,

V.

JASON R. ROYAL,

RESPONDENT.

APPEAL from an order of the circuit court for Dodge County:
CHAD WOZNIAK, Judge. *Reversed and cause remanded with directions.*

Before Graham, P.J., Kloppenburg, and Nashold, JJ.

¶1 KLOPPENBURG, J. This appeal concerns the effect of a termination of parental rights (“TPR”) order on a child support obligation. In this case, the Dodge County circuit court (“the circuit court”) entered an order

requiring Rhiannon Stroede to make child support payments to Jason Royal for their child D.R.R. In a separate action subsequently initiated by Royal in Fond du Lac County, Royal sought termination of Stroede’s parental rights to D.R.R. See **J.R. v. R.S.**, No. 2022AP905, unpublished slip op., ¶2 (WI App Feb. 1, 2023).¹ Royal prevailed, and the Fond du Lac County circuit court entered a TPR order terminating Stroede’s rights to D.R.R. **Id.** After entry of the TPR order, Royal continued to receive the monthly child support payments, which were disbursed to him by the Dodge County Child Support Agency (“the agency”) from Stroede’s social security disability benefits. The agency disbursed the child support amounts to Royal from the date of the TPR order until the agency was notified, by someone other than Royal or Stroede, of the Wisconsin Supreme Court’s denial of Stroede’s petition for review in her unsuccessful appeal of the TPR order. After the agency received that notification, the agency informed Stroede by letter that she had overpaid \$3,234.07 from the date of the TPR order that terminated her child support obligation.

¶2 The circuit court denied Stroede’s motion for reimbursement of the child support payments that Royal received in this case after entry of the TPR order in the TPR case. Stroede appeals, arguing that the court erred in concluding that the termination of her parental rights to D.R.R. did not automatically terminate her obligation to pay child support for D.R.R., and that she was required

¹ We cite this unpublished opinion for the procedural facts relating to the circuit and appellate court orders and decisions in the TPR case, and we take judicial notice of those facts and related proceedings to the extent that they are not part of the record in this case. See **Johnson v. Mielke**, 49 Wis. 2d 60, 75, 181 N.W.2d 503 (1970) (“Generally, a court may take judicial notice of its own records and proceedings for all proper purposes. This is particularly true when the records are part of an interrelated or connected case, especially where the issues, subject matter, or parties are the same or largely the same.”).

to file a motion to terminate her child support obligation promptly after entry of the TPR order in order to stop the child support payments as of the date of the TPR order.

¶3 We conclude, as a matter of law, that a parent’s child support obligation in a family law case is automatically terminated as of the date of an order in a TPR case terminating the parent’s rights to that child. *See* WIS. STAT. § 48.43(2) (2023-24) (“An order terminating parental rights permanently severs all legal rights and duties between the parent whose parental rights are terminated and the child”).² Accordingly, here, the TPR order obtained by Royal automatically rendered the child support order a nullity and terminated Stroede’s child support obligation, and Stroede has no additional obligation to seek such termination by filing a motion to modify a child support order under WIS. STAT. § 767.59. *See* § 767.59(1), (1c), (1f), (1m), (2w) (providing that a motion to modify a child support order may be filed and granted prospectively only, except to correct a calculation error, based on a substantial change in circumstances).

¶4 We further conclude, guided by relevant case law, that the circuit court has the authority, acting in equity, to order reimbursement to Stroede from Royal of the undisputed total amount of child support payments that Royal received from Stroede’s social security disability benefits after entry of the TPR order. Accordingly, we reverse the order denying Stroede’s motion seeking such reimbursement and remand to the circuit court to enter an order directing Royal to

² All references to the Wisconsin Statutes are to the 2023-24 version.

pay Stroede that amount.³ We also deny Royal's motion for costs and attorney fees based on what Royal asserts is a frivolous appeal.

BACKGROUND

¶5 The parties do not dispute the following facts. D.R.R. was born to Stroede and Royal in January 2016. Since then, Stroede, Royal, and their extended family members have been involved in considerable litigation concerning D.R.R., specifically regarding child support obligations, custody, and visitation rights. The most recent child support order, entered in June 2020, ordered Stroede to pay Royal \$91.81 per month, beginning October 2019. The agency collected the ordered amount of the monthly child support payment that the Social Security Administration withheld from Stroede's social security disability benefits and disbursed that amount to Royal.

¶6 On March 24, 2022, a Fond du Lac County circuit court entered an order in a separate case initiated by Royal terminating Stroede's parental rights to D.R.R. Stroede appealed the TPR order, this court affirmed the order, and the Wisconsin Supreme Court denied Stroede's petition for review in an order dated December 10, 2024. In a letter dated February 27, 2025, the Social Security Administration notified Stroede that, "We will no longer take money out of your Social Security payments for child support ... because the court has sent us an order to stop withholding." In a separate letter dated March 28, 2025, the agency

³ We emphasize that this appeal concerns a child support obligation in a child support order concerning only the child subject to the subsequent TPR order. For reasons that we explain below, we do not address the remedy in a situation in which the child support order imposes child support obligations for both a child subject to a subsequent TPR order and one or more additional children who are not subject to a TPR order.

notified Stroede and Royal that its records show “an overpayment” on Stroede’s account in the amount of \$3,234.07, because “child support was terminated March 24, 2022[,] per the [TPR order,] which was confirmed by the Wisconsin Supreme Court [on] December 10, 2024.” The letter advised that the agency does not assist in the collection of overpayments.

¶7 In April 2025, Stroede filed a motion seeking reimbursement of child support overpayment incurred as a result of the termination of her parental rights in March 2022 and the continued disbursement of child support payments from her disability benefits through February 2025. Attached to the motion was the letter from the agency described above.

¶8 Royal filed a brief opposing Stroede’s motion, arguing that, in order to terminate the child support obligation, Stroede was required to file a motion to modify the child support order under WIS. STAT. § 767.59 after entry of the TPR order. Royal also argued that, pursuant to that statute, Stroede’s child support obligation could not be terminated until she filed her motion for reimbursement for overpayment in April 2025, and that the termination of the child support obligation at that point could be prospective only.

¶9 After a hearing, the family court commissioner denied Stroede’s motion for reimbursement of child support overpayment and terminated the child support order effective April 21, 2025.

¶10 Stroede sought a de novo hearing before the circuit court, and Stroede and Royal submitted briefs to the court. The court issued an order denying Stroede’s motion for reimbursement. Stroede appeals.⁴

DISCUSSION

¶11 This appeal turns on the interpretation and application of statutes governing the termination of parental rights and child support, which are questions of law that this court decides de novo. See *Meyers v. Bayer AG*, 2007 WI 99, ¶22, 303 Wis. 2d 295, 735 N.W.2d 448.

¶12 We begin with the question of whether a parent’s child support obligation in a family law case is automatically terminated upon the entry of an order terminating that parent’s parental rights to that child in a separate TPR case. We conclude that the answer is yes, because the child support obligation is ordered to benefit the child and arises from the parent’s duty to provide and the child’s right to receive such support, but that duty and right are severed by the TPR order. Because the effect of a TPR order on a child support obligation is automatic, the parent whose rights are terminated has no additional obligation to seek termination of the child support obligation by filing a motion to modify child support. See WIS. STAT. § 767.59 (governing motions to modify child support orders).

¶13 We then turn to the question of reimbursement of child support payments received by the recipient parent after the child support obligation has been terminated by a TPR order. Guided by relevant case law, we conclude that

⁴ Royal’s briefs refer to the parties by their designation on appeal, and not by their names, contrary to WIS. STAT. RULE 809.19(1)(i). Use of these designations can easily create confusion that is an unnecessary burden for this high-volume court.

when the automatic termination by a TPR order of a child support obligation is not implemented in the family law case and the recipient parent who initiated the TPR order continues to receive payments, the formerly obligated parent may file in the child support case a motion for reimbursement of the total amount the recipient parent received after the entry of the TPR order. In this context, child support order modification statutes no longer apply, the child support payments received by the recipient parent after the date of the TPR order are overpayments, and the circuit court has the authority, acting in equity, to order reimbursement of those overpayments.

I. A TPR order automatically terminates a child support obligation.

¶14 Chapter 48 of the Wisconsin statutes governs termination of parental rights. See WIS. STAT. §§ 48.40-.437. Pertinent here, a parent may bring an action to terminate the other parent’s parental rights to the child they share. § 48.42. “An order terminating parental rights permanently severs all legal rights and duties between the parent whose parental rights are terminated and the child[,] and between the child and all persons whose relationship to the child is derived through that parent,” with exceptions not relevant here. § 48.43(2).

¶15 Chapter 767 of the Wisconsin statutes governs issues involving child support. See WIS. STAT. §§ 767.501-.59. A parent may seek, and a circuit court may order, payment by the other parent to support the parents’ child. § 767.501(2). While the duty to pay the child support is owed to the recipient parent, *Hernandez v. Allen*, 2005 WI App 247, ¶22, 288 Wis. 2d 111, 707 N.W.2d 557, the duty arises from the rights incident to the parent-child relationship. “[C]hild support is paid to benefit the child, not the custodial parent. The custodial parent receives support payments in trust to be used for the child’s

welfare.” *J.J.G. v. L.H.*, 149 Wis. 2d 349, 358, 441 N.W.2d 273 (Ct. App. 1989) (citation omitted). That is, it is pursuant to the parent-child relationship that a parent is responsible “for the child’s welfare,” and it is pursuant to the parent-child relationship that the parent may be ordered to make payments “to benefit the child.” *See id.*

¶16 Just as it is the parent-child relationship from which a child support obligation arises, it is also the parent-child relationship that is severed by a TPR order. *See* WIS. STAT. § 48.43(2) (“An order terminating parental rights permanently severs all legal rights and duties between the parent whose parental rights are terminated and the child ...”). It reasonably follows that, if the parent-child relationship is severed, so must be the parent’s duty to pay and the child’s right to receive support from that parent for the child’s welfare. Accordingly, the termination of the parent-child relationship pursuant to a TPR order automatically severs the parent’s duty to provide and the child’s right to receive child support. As a result, entry of a TPR order automatically nullifies a child support order and terminates the child support obligation in such an order as a matter of law. That the TPR order may be appealed does not stay the order’s automatic termination of the child support obligation. *See State v. Lorraine J.*, Nos. 2010AP52, 2010AP53, 2010AP136, and 2010AP137, unpublished slip op. (WI App Dec. 8, 2010), ¶¶35-37 (stating that under WIS. STAT. § 48.43(2), a TPR order severs all of the parent’s rights and duties between the parent and child, including visitation rights, on the date the TPR order is entered, regardless of whether the TPR order is being appealed).⁵

⁵ *See* WIS. STAT. RULE 809.23(3)(b) (permitting the citation of authored, unpublished opinions issued after July 1, 2009, for their persuasive value).

¶17 Our decision in **Hernandez**, 288 Wis. 2d 111, is instructive. In that case, we ruled that a birth parent was not relieved of the parent’s obligation to pay child support arrearages that accrued pursuant to a child support order in a paternity action, when those arrearages accrued *before* the parent’s parental rights were terminated in a separate adoption action. **Id.**, ¶¶1, 27. The backward-looking focus on the child support arrearages that accrued before entry of the TPR order supports our conclusion that a parent’s child support obligation going forward ceases when the TPR order is entered. In other words, our ruling in **Hernandez** supports our conclusion that the TPR order automatically terminates the child support obligation as a matter of law.

¶18 Here, the agency implicitly acknowledged this automatic effect of a TPR order on a child support order. When the Social Security Administration stopped collecting the amount of the monthly child support obligation from Stroede’s disability benefits after the conclusion of Stroede’s unsuccessful appeal of the TPR order, the agency—without the entry of any order by the circuit court—calculated the total amount of the overpayment to be reimbursed to Stroede from the date of the TPR order.

¶19 There is no evidence in the record showing whether the agency knew of the TPR order when it was entered, how the agency learned of our supreme court’s order denying Stroede’s petition for review, or why the agency did not act to calculate the amount of child support overpayments until learning of the supreme court’s order. There is also no evidence in the record showing which court sent the Social Security Administration “an order to stop withholding,” or otherwise identifying that order. That is, as to both the agency and the Social Security Administration, there is no explanation in the record of why neither entity acted on the termination of Stroede’s child support obligation effectuated by the

TPR order when it was entered.⁶ That both entities waited to do so until the supreme court rejected Stroede’s appeal of the TPR order does not provide any reasoned basis to undermine a conclusion that the TPR order automatically terminated the child support obligation in this case when that order was entered; rather, as explained above, the agency’s letter implicitly acknowledged such automatic termination. And, as we have explained, the language of WIS. STAT. § 48.43(2) compels such a conclusion.

¶20 Royal does not address the language of WIS. STAT. § 48.43(2), quoted above, or the connection of the child support obligation to the parent-child relationship and the rights that are severed by a TPR order, explained above, or the analysis in *Lorraine J.*, cited by Stroede and referenced above. Instead, Royal argues in a conclusory manner that Stroede was required to effectuate the termination of the child support obligation by filing a motion to modify the child support order after the TPR order was entered. Royal asserts that this is so because “anyone who has a right to have their support lowered, terminated, or

⁶ We note the following as potentially pertinent to the interplay of information among county, state, and federal entities related to a TPR order and to a child support obligation involving the same parent and child. Under WIS. STAT. § 767.57(1)(b), all child support orders upon request are noticed by the circuit court clerk to the county child support agency, and the orders are entered in a statewide database. But there is no apparent connection between this database and the entry of TPR orders. We also note that WIS. STAT. § 767.59(4) requires that the State, if a real party in interest, review a child support order periodically and petition the circuit court for revision if warranted. But there is also no apparent connection between this provision and the entry of TPR orders. The parties do not address these provisions, nor does the record illuminate if or how they might apply here, and so we do not consider them further.

Stroede cites WIS. STAT. § 48.427(6)(b), which requires a circuit court entering a TPR order to notify the Wisconsin Department of Children and Families of (1) the child’s name and birth date, (2) the names and current addresses of the child’s birth parents, guardian, and legal custodian, (3) the child’s medical and genetic information, and (4) the child’s tribal membership information. However, Stroede does not explain how this requirement intersects with the existence of a child support order, and so we also do not consider this provision further.

stayed” must file such a motion. However, Royal does not cite legal authority in support of this argument. Specifically, Royal does not explain why a motion to modify a child support order is necessary after a court has granted a TPR order that nullified—by permanently severing the parent’s rights to the child—the child support obligation that the child support order depends on. Accordingly, we reject as undeveloped Royal’s conclusory argument that Stroede was required to file a motion to modify the child support order in order to effectuate the automatic termination by the TPR order of her child support obligation. See ***Industrial Risk Insurers v. American Eng’g Testing, Inc.***, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82 (we need not consider arguments unsupported by legal authority); ***Wisconsin Conf. Bd. of Trs. of the United Methodist Church, Inc. v. Culver***, 2001 WI 55, ¶38, 243 Wis. 2d 394, 627 N.W.2d 469 (stating that we do not address arguments that are conclusory and insufficiently developed).

¶21 In addition, Royal does not develop an argument supported by relevant legal authority showing that any of the child support statutes authorize the continuation of the obligation to pay to support a child after the date of a TPR order that severs the obligated parent’s rights and duties to that child. Our review of the child support statutes indicates to the contrary. Under WIS. STAT. § 767.58, a parent subject to a child support order must provide the circuit court with notice of certain changes, but those changes do not include the entry of a TPR order. See § 767.58. Under WIS. STAT. § 767.59(1c), a circuit order may modify a child support order “[o]n the petition, motion, or order to show cause of either of the parties, the department [of children and families], a county department ..., or a county child support agency” § 767.59(1c). But the court may do so “only upon a finding of a substantial change in circumstances.” § 767.59(1f)(a). The entry of a TPR order is not included in the presumptive or permissive changes in

circumstances listed in § 767.59(1f). Accordingly, there is no language in § 767.59(1c) or (1f) requiring that a parent whose parental rights have been terminated by a TPR order move to terminate the child support obligation ordered in a family law case.

¶22 Royal appears to argue that our decision in *Zimmer v. Zimmer*, 2021 WI App 40, 398 Wis. 2d 586, 961 N.W.2d 898, supports his argument that Stroede was required to make a motion to terminate her child support obligation in order to effectuate the TPR order’s automatic termination of that obligation. However, that case is readily distinguished and is consistent with our conclusion to the contrary.

¶23 In *Zimmer*, we ruled that “a court cannot, on the basis of one child’s having reached the age of majority, refund or credit child support payments made” before the parent files a motion to modify the child support obligation based on the child having reached the age of majority. *Id.*, ¶3. We reasoned that although “courts have no authority to *order* support for a child beyond the age of majority defined by statute,” *id.*, ¶9 (quoting the respondent in that case), it does not follow that a valid child support order automatically becomes “a nullity” when one of the children reaches the age of majority, *id.*⁷

⁷ In *Zimmer v. Zimmer*, 2021 WI App 40, ¶11 n.4, 398 Wis. 2d 586, 961 N.W.2d 898, we also noted that, because the case involved one of three children who had reached the age of majority, the child support obligation regarding the two remaining minor children could not be automatically calculated. Rather, we explained that filing a motion to modify support was required to enable courts “to revisit all relevant circumstances” and “other issues that had been deferred,” to “ensur[e] that the remaining minor children receive[d] the proper level of support.” *Id.* Here, the child support order concerns only the child subject to the TPR order. Consequently, once the TPR order severed Stroede’s child support obligation, there are no other “circumstances” or “issues” for a court to revisit and no remaining child support payment to recalculate or modify. See *id.*

(continued)

¶24 Unlike in *Zimmer*, this case concerns a TPR order—not a child reaching the age of majority. A child reaching the age of majority is not always automatic or conclusive regarding the parent’s obligations to the child. See *id.* (citing a statute that allows the court to order payments beyond the age of majority). In contrast, a TPR order is automatic and conclusive: WIS. STAT. § 48.43(2) states, as we have discussed, that entry of the order “permanently severs all legal rights and duties” between the formerly obligated parent and the child. In other words, a TPR order as a matter of law renders a child support order a “nullity,” see *Zimmer*, 398 Wis. 2d 586, ¶9, and leaves nothing for a court to consider regarding the parent’s obligation to the child subject to the TPR order. Thus, *Zimmer* is consistent with our conclusion that the child support order here is automatically terminated by entry of the TPR order.

II. The circuit court has authority to order, and Stroede is entitled to, reimbursement from Royal.

¶25 As a threshold matter, we clarify that WIS. STAT. § 767.59 does not apply to Stroede’s motion for reimbursement of the child support payments that Royal continued to receive after entry of the TPR order. Section 767.59 provides the statutory mechanism for revising child support orders. However, § 767.59 does not govern any payments that Royal received after entry of the TPR order because as of the date of the TPR order, there is no longer any child support order

While the circuit court has authority to order reimbursement of any overpayments for child support involving a child subject to a TPR order regardless of whether the child support order concerns other children, we do not address whether a motion to modify would be necessary to calculate any overpayment in a hypothetical when a child support order imposes child support obligations for both a child subject to a TPR order and one or more additional children who are not subject to a TPR order, as these are not the facts of this case.

to revise. The child support order, as we have discussed, became a nullity when Royal successfully sought a TPR order severing Stroede's parental rights.

¶26 To repeat the undisputed facts of this case, Royal obtained an order terminating Stroede's parental rights. Then, Royal continued to receive child support payments from Stroede's disability benefits for three years after entry of the TPR order. Those payments amount to \$3,234.07.

¶27 Credit is not an appropriate remedy here because the record does not show any remaining obligations that Stroede has to Royal, such as arrearages or other child support obligations. In these circumstances—to repeat, when WIS. STAT. § 767.59 does not apply, the facts regarding the overpayment are undisputed, and the formerly obligated parent has no remaining obligations for a court to consider—the circuit court has authority acting in equity to order reimbursement for those overpayments. See *Poehnelt v. Poehnelt*, 94 Wis. 2d 640, 655-57, 289 N.W.2d 296 (1980) (recognizing the court's equitable authority in a family law case). Based on the undisputed facts, we conclude that the court has authority—acting in equity—to order, and that Stroede is entitled to, reimbursement of the \$3,234.07 that Royal received from Stroede's disability benefits as child support payments after entry of the TPR order he obtained terminating Stroede's parental rights.

¶28 Notably, Stroede does not ground her request for reimbursement on the child support statutes relied on by Royal, and we understand her to be implicitly arguing that the circuit court should have ordered reimbursement in the exercise of its equitable authority, based on the undisputed facts here. Royal argues only that the court properly denied Stroede's motion for reimbursement based on the court's finding that Stroede did not provide sufficient evidence to

support her request for reimbursement. To the extent the court relied on that finding in denying Stroede's motion for reimbursement, which was based on the automatic termination of her child support obligation as of the date of the TPR order, that finding is clearly erroneous.

¶29 The record established the monthly amount of the child support obligation, the date of the TPR order, and the date that the agency stopped disbursing that amount from Stroede's disability benefits to Royal. In addition, the agency calculated the total of the amounts "overpaid" since the entry of the TPR order. Royal did not in the circuit court and does not on appeal dispute the monthly amounts, the number of months between the date of the TPR order and the date that the agency stopped collecting the monthly amount from Stroede's disability benefits, or the total amount collected during that period. On this record, no additional evidence was needed to calculate what Royal owes Stroede. For these reasons, we reject Royal's argument that the court properly denied Stroede's request for reimbursement for insufficient evidence.

¶30 In sum, Stroede is entitled to reimbursement from Royal for the total amount that Royal received in child support payments from Stroede's social security benefits after entry of the TPR order. We reverse the order denying Stroede's motion seeking such reimbursement and remand to the circuit court to enter an order directing Royal to pay Stroede that amount.

III. Stroede’s appeal is not frivolous.

¶31 Royal has filed a motion for costs and attorney fees based on a claim that Stroede’s appeal is frivolous under WIS. STAT. RULE 809.25(3).⁸ “Whether an appeal is frivolous is a question of law.” *Kraemer v. Traun*, 2025 WI App 8, ¶55, 415 Wis. 2d 125, 17 N.W.3d 49 (2024). “Sanctions for a frivolous appeal will be imposed if the court concludes that the party ‘knew, or should have known, that the appeal ... [had no] reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification, or reversal of existing law.’” *Id.* (quoted sources omitted); RULE 809.25(3)(c). This court awards attorney fees under RULE 809.25 only when the entire appeal is frivolous. *Thompson v. Ouellette*, 2023 WI App 7, ¶30, 406 Wis. 2d 99, 986 N.W.2d 338.

¶32 Given our resolution of this appeal in Stroede’s favor, we conclude that Stroede’s appeal is not frivolous. Accordingly, we deny Royal’s motion.

CONCLUSION

¶33 For the reasons set forth above, we reverse the order of the circuit court denying Stroede’s motion for reimbursement, remand to the circuit court to enter an order consistent with this opinion, and deny Royal’s motion for costs and attorney fees.

By the Court.—Order reversed and cause remanded with directions.

Not recommended for publication in the official reports.

⁸ Royal asserts in support of his motion that generative AI and internet searches “if worded correctly” will yield results that show that filing a motion to terminate child support after a TPR order is necessary. We caution counsel that generative AI and internet searches can produce misleading and unreliable results, and that reliance on those results is not a substitute for a developed argument supported by legal authority.

