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DISTRICT IV

September 17, 2026

To:

Hon. Guy D. Dutcher
Circuit Court Judge
Electronic Notice

Karen Lueschow
Electronic Notice

Katrina Rasmussen
Clerk of Circuit Court
Waushara County Courthouse
Electronic Notice

Ruth A. Zouski
Electronic Notice

Darwin Donald Airola III
Electronic Notice

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

2024AP540
2024AP1126

In re the marriage of: Rejani Raveendran v. Darwin Donald
Airola, III (L.C. # 2020FA41)

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

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

In these consolidated appeals, Darwin Airola challenges circuit court orders denying motions to reduce the approved guardian ad litem (GAL) fees, to modify child support, and for reconsideration.¹ Based on our review of the briefs and record, we conclude at conference that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We affirm.

¹ These appeals were consolidated for briefing and disposition by an order dated September 13, 2024. *See* WIS. STAT. RULE 809.10(3) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

In the underlying divorce case, the parties stipulated to child support based on earnings imputed to Airola of \$15 per hour. The final divorce judgment calculated Airola's child support obligation on that basis. Airola moved for a redetermination of child support, arguing that the child support statutes and rules deprived him of his right to substantive due process because the resulting support was too high compared to his actual income. The circuit court denied the motion, and we affirmed on appeal. ***Raveendran v. Airola***, No. 2023AP646, unpublished slip op. and order (WI App May 31, 2024). As we explained, "Airola argue[d] that the statute and rule allowing child support to be based on 'earning capacity' and 'imputed income' violate[d] his right to substantive due process because they are arbitrary and unreasonable. See WIS. STAT. § 767.511(1m)(hs); WIS. ADMIN. CODE § DCF 150.03(3)." ***Id.*** at 2-3. We rejected Airola's argument because, among other things, Airola did not develop an argument showing "that any unconstitutionality of the statute or rule would be a basis to relieve him from his own stipulation to the earnings capacity used in the judgment." ***Id.*** at 3.

Airola also pursued litigation related to the circuit court order granting his former spouse sole legal custody and primary physical placement of the parties' minor children, and limiting Airola's placement to supervised visits on reasonable notice. Related to those proceedings, on November 21, 2023, the GAL submitted an invoice indicating that she worked 2.45 hours at \$250 per hour, for a total of \$612.50. The court authorized payment to the GAL in that amount. On November 22, 2023, the GAL submitted a proposed amended invoice, correcting her accounting of the same work to a total of 3.45 hours and reducing her rate to \$100 per hour, for a total of \$345. The court approved the amended payment to the GAL.

In December 2023, Airola filed a motion objecting to the circuit court’s authorization of payment to the GAL. Airola argued that the GAL’s November 21, 2023 invoice stated that she worked 2.45 hours, and therefore the total payment at \$100 per hour should have been \$245, not \$345. On March 20, 2024, the court denied Airola’s motion, explaining that it had approved the November 22, 2023 amended invoice for \$345 based on the corrected total of 3.45 hours of work at \$100 per hour.

On April 17, 2024, the circuit court held a hearing on the Waushara County Child Support Agency’s motion to modify child support. Corporation counsel requested that the court change the imputation of income to Airola from \$15 per hour to \$11 per hour. Counsel explained that, while the agency believed that Airola had the capacity to earn more, Airola was currently earning minimum wage. The court denied the request to modify child support, explaining that Airola had stipulated to the imputed income of \$15 per hour and that nothing before the court indicated that there had been a change in circumstances. On April 22, 2024, the court entered an order denying the motion to modify child support. On May 28, 2024, the court denied Airola’s motion for reconsideration. Airola appeals the orders denying his motion to reduce the GAL fees, denying the agency’s motion to modify child support, and denying his motion for reconsideration.

Airola argues that the circuit court erred by approving an “inflated” bill for the GAL. He asserts that the GAL stated that she worked 2.45 hours, and that, at \$100 per hour, her total payment should be \$245. However, Airola cites only the November 21, 2023 invoice submitted by the GAL, and does not acknowledge the amended invoice the GAL submitted on November 22, 2023. As set forth above, the amended invoice shows 3.45 hours of work. Airola

makes no argument disputing the amended invoice. Accordingly, we reject his challenge to the order approving payment to the GAL based on the amended invoice.

Next, Airola argues that the circuit court erred by denying the motion to modify child support. He contends that the court should have used his actual income, not his imputed income, to calculate child support. Airola argues that the court has improperly attempted to force him to change his vocation (apparently, by expecting him to obtain other employment in accordance with his earning capacity for child support purposes), which Airola asserts violates his Fourteenth Amendment rights. Airola also disputes that he stipulated to an imputed income of \$15 per hour. Rather, he asserts, his counsel at the time told him that the court had already determined that amount and would not change it.

As set forth above, Airola has already challenged the calculation of child support based on his stipulated imputed income amount in a prior appeal. We will not revisit that issue here. See *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991) (“A matter once litigated may not be relitigated in a subsequent ... proceeding no matter how artfully the [litigant] may rephrase the issue.”). Moreover, a circuit court may modify child support “only upon a finding of a substantial change in circumstances.” See WIS. STAT. § 767.59(1f). Airola makes no argument that there was a showing of a substantial change in circumstances that would have allowed the circuit court to modify child support.

Finally, we note that a significant portion of Airola’s appellate briefing is devoted to challenging other prior final decisions in this case and a related Portage County matter. However, those decisions are not within the scope of this appeal. Accordingly, we do not address those arguments.

IT IS ORDERED that the orders are summarily affirmed under WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals