

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 22, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

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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. 2025AP1715
STATE OF WISCONSIN**

Cir. Ct. No. 2022FA603

**IN COURT OF APPEALS
DISTRICT IV**

IN RE THE MARRIAGE OF:

MPOLI N. SIMWANZA-JOHNSON,

PETITIONER-APPELLANT,

V.

MATTHEW CHRISTOPHER JOHNSON,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Dane County:
JACOB B. FROST, Judge. *Affirmed.*

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

¶1 GRAHAM, P.J. Mpoli Simwanza-Johnson and Matthew Johnson, who are the parents of two minor children, were divorced in this Wisconsin case. After the Dane County Circuit Court entered the divorce judgment, Mpoli,

Matthew, and the children all relocated to Colorado, and their relocation resulted in a series of post-divorce filings and proceedings in both states.¹

¶2 The circuit court issued three orders during the post-divorce proceedings that Mpoli challenges in this appeal: an order denying Mpoli’s motion for a reconciliation of the parties’ child support obligation from the prior year, which the court denied on comity grounds because it had previously deferred jurisdiction over all child support issues to the Colorado court; an order transferring jurisdiction over legal custody and physical placement of the children to the Colorado court based on the Uniform Child Custody Jurisdiction and Enforcement Act;² and an order that dismissed Matthew’s motion that sought Mpoli’s contribution toward Matthew’s attorney fees. We conclude that the court did not erroneously exercise its discretion when it issued those orders. Accordingly, we affirm.

¹ For clarity and ease of reading, we refer to the parties by their first names. We refer to the Dane County Circuit Court as the “Dane County court,” the “circuit court,” or the “court,” and to the court in Larimer County, Colorado, which has also addressed issues pertaining to this family, as the “Colorado court.”

² Wisconsin law generally makes a distinction between the legal custody and physical placement of a child. See WIS. STAT. § 767.001(2), (5) (2023-24). The Uniform Child Custody Jurisdiction and Enforcement Act uses different language to describe these concepts. Wisconsin’s codification of the act defines “child custody proceeding[s]” and “determination[s]” to include those related to legal custody, physical custody, and visitation, WIS. STAT. § 822.02(3)-(4), and the term “physical custody” includes physical placement, § 822.02(14c). Thus, even though the dispute here is related solely to the issue of physical placement and not to legal custody, we refer to the circuit court’s jurisdiction over both issues jointly as custody and placement jurisdiction.

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

BACKGROUND

¶3 Mpoli and Matthew were divorced in Wisconsin in 2023. The divorce judgment granted joint legal custody of the children, and it addressed physical placement and child support as follows.

¶4 With respect to physical placement, the parties had entered into a marital settlement agreement that was incorporated into the divorce judgment. Pursuant to that agreement, Matthew was awarded placement of the children on set days every week, and Mpoli was awarded placement at all other times including most holidays.

¶5 Regarding child support, the circuit court noted that Matthew's annual income was subject to fluctuations, and that the parties were unsure how many overnights the children would actually spend with each parent. The court calculated child support based in relevant part on the income listed on Matthew's 2022 W-2s and the placement schedule in the divorce judgment, and it imposed an annual "reconciliation" process that the parties could use each year to reconcile the amount paid with the actual dollar amount of the support obligations from the prior year.³ The divorce judgment directed the parties to attempt to "cooperate to timely submit a stipulated [reconciliation] order" according to the parameters set by the court, and in the event that they could not agree on the number, they could file a motion and supporting documentation. The court would then issue a reconciliation order based on the information provided.

³ Child support reconciliation is a process allowed under Wisconsin law, which permits a court to determine whether there was an under-payment or over-payment of child support in a given time period. See WIS. STAT. § 767.71(1)(b).

¶6 In June 2024, less than a year after the divorce judgment went into effect, Mpoli filed a motion asking permission to relocate with the minor children to Larimer County, Colorado. Matthew opposed the proposed relocation, and he filed a motion asking the circuit court to modify placement so that the children could remain in Wisconsin with him. Before the final hearing on the relocation motion, Mpoli sought a temporary relocation order, which a court commissioner granted. Matthew then sought de novo review. Following a September 2024 hearing, the circuit court granted Mpoli’s motion for permission to remove the children to Colorado on a temporary basis, directed the parties to submit proposals for how placement of the children would be handled in October and November, and scheduled a final hearing on relocation for December 2024.

¶7 In September 2024, in light of the circuit court’s decisions at the hearing, Matthew decided to relocate to Colorado and he notified the court of his decision. In letters to the court on this topic, Matthew asked the court to resume the preexisting placement schedule from the divorce judgment.⁴

¶8 The following month, Mpoli filed a motion to stay the scheduled hearing for a final relocation decision, and she asked for a change of venue to the Colorado court. Matthew opposed the motion for change of venue. From that point onward, the parties repeatedly disputed which of the two courts—the Dane County court or the Colorado court—could and should exercise jurisdiction over either or both of the two issues—placement and child support—that continued to

⁴ Although it is not directly relevant to the issues in this appeal, Matthew also asked the circuit court to order Mpoli to pay certain placement-related expenses that he would incur before he was able to permanently relocate to Colorado. On September 24, 2024, the court granted Matthew’s request.

be a subject of dispute between the parties. And both parties changed their positions on these issues at various points throughout the litigation.

¶9 The circuit court held a hearing in October 2024 to address a number of pending motions and requests. During that hearing, the court indicated that it would be inclined to vacate its temporary relocation order and reinstate the original placement order after Matthew moved to Colorado. In light of that decision, Matthew withdrew his objection to the relocation motion and asked that the scheduled hearing on placement be removed from the court’s calendar. Mpoli objected to the court’s stated intention to reinstate the placement terms from the divorce judgment, arguing that the court should “base its decision on the relocation motion on the facts as they presently are and not what it presume[d] they [would] be.”

¶10 The circuit court issued an order regarding relocation and child support in November 2024 (the “November 2024 order”). The court expressly stated that the November 2024 order was “a final order on all issues,” except that it was “a temporary order on child support.”

¶11 With respect to placement, the November 2024 order vacated the circuit court’s prior temporary orders and ordered that placement would again be controlled by the terms of the divorce judgment. The court also ordered, among other things, that Mpoli pay child support to Matthew based on changed circumstances, including the fact that Matthew’s income would be at least temporarily reduced to \$0 as a result of his move. The November 2024 order further provided that Matthew must seek reasonable employment in Colorado and must provide proof of his search to Mpoli. Mpoli appealed the November 2024

order to this court, see *Simwanza-Johnson v. Johnson*, No. 2024AP2347, unpublished slip op. (Ct. App. Mar. 26, 2026) (*Simwanza-Johnson I*).

¶12 Meanwhile, Matthew moved to Colorado and obtained employment as of November 2024. Matthew informed the circuit court of his new employment, which would allow him to exercise physical placement based on the shared-placement schedule set forth in the divorce judgment.

¶13 The same day Matthew informed the circuit court of his new employment, Mpoli commenced a proceeding in the Colorado court “to modify child support based on [Matthew]’s new job.” She then filed a letter to notify the circuit court that she had commenced the Colorado proceeding. In the letter, she took the position that the Colorado court had “continuing, exclusive jurisdiction” over child support because she and Matthew both resided in Colorado.

¶14 In December 2024, Matthew provided the circuit court with additional information on his new employment. Matthew noted Mpoli’s position that the court had lost jurisdiction over child support. As for which court should modify the existing child support order, he argued that, “[t]o the extent there may be any discretionary element” to that decision, he believed that “Dane County remains in the best position to hear all issues.”

¶15 By January 2025, Matthew still had not responded to the motion to modify child support that was pending in the Colorado court. The Colorado court issued an order that the motion would be deemed “confessed and ruled upon” without Matthew’s input if he failed to respond.

¶16 That same day, Mpoli updated the circuit court on the proceedings in Colorado. She asked the court to defer child support jurisdiction to the Colorado

court “as a matter of comity,” even if the court determined it could continue to exercise jurisdiction over the issue, so that the Colorado court would be able to make further decisions on child support. Matthew also provided an update. He stated that he had retained counsel to represent him in the Colorado case, and he asked for his Colorado counsel to be permitted to appear at an upcoming Dane County hearing “for the purpose of reporting on the status” of the Colorado litigation. Matthew also raised concerns about Mpoli’s litigation strategy—he anticipated Mpoli would argue that he was in contempt of the November 2024 order to seek reasonable employment in Colorado, and he accused Mpoli of forum shopping to obtain a “more favorable outcome with a new magistrate.”

¶17 The circuit court scheduled a January 2025 hearing to address issues pertaining to child support. The day before the hearing, Matthew filed a motion asking the court to order Mpoli to pay a portion of his litigation costs based on Mpoli’s “unreasonable litigation strategy” which, he asserted, caused him to “incur extra and otherwise unnecessary attorney fees.” The court did not address Matthew’s motion at the January hearing, and instead deferred consideration of the motion to a future date.

¶18 During the January 2025 hearing, the circuit court heard arguments about whether it retained jurisdiction over the parties’ disputes about child support. Some of the arguments on this topic turned on whether the court’s November 2024 determinations about child support should be considered “temporary” or “final.”⁵ Matthew argued that the court still retained jurisdiction

⁵ The discussion during the circuit court proceedings on this topic should not be confused with WIS. STAT. § 808.03(1), which addresses which orders are final for purposes of appeal. As part of this court’s pre-briefing jurisdictional review, we determined that the
(continued)

over child support because the court’s November 2024 order on that topic was “temporary” and the court had not yet held a final hearing. Mpoli argued that the November 2024 determination should be considered final because there were no motions pending in Dane County and the parents and children had all moved to Colorado. Alternatively, she argued that, even if the court retained jurisdiction over child support, it should nevertheless defer to the Colorado court. Mpoli cited ***Daniel-Nordin v. Nordin***, 173 Wis.2d 635, 495 N.W.2d 318 (1993), for the proposition that the doctrine of comity permits a court to defer child support jurisdiction to another court that is better situated to address those issues. *See also Mills v. Vilas Cnty. Bd. of Adjustments*, 2003 WI App 66, ¶19, 261 Wis. 2d 598, 660 N.W.2d 705 (“Under [the comity] doctrine, [circuit] courts will, as a matter of discretion, rather than obligation, defer to the assertion of jurisdiction ... out of mutual respect and for the purpose of furthering the orderly administration of justice.”).

¶19 The circuit court ultimately adopted Mpoli’s argument about comity. Without determining whether it could continue to exercise child support jurisdiction, the court determined that it should defer whatever jurisdiction it may have had to the Colorado court as a matter of comity. In reaching that decision, the court reasoned that if it were to issue an order regarding child support, the order would “almost certainly” be “the last order” it entered in the case, and that order would be based on Wisconsin law. The court reasoned that it made “little sense” to continue to apply Wisconsin law to the parties’ circumstances when the

November 2024 order was final for purposes of § 808.03(1), meaning that this court had appellate jurisdiction over the appeal in ***Simwanza-Johnson I***.

parents and children were now living in Colorado and “[e]very other order will then be under Colorado law.”

¶20 After the circuit court decided that it would defer child support jurisdiction to the Colorado court, Mpoli sought to clarify whether Matthew had complied with the portion of the November 2024 order that required Matthew to seek reasonable employment in Colorado. More specifically, Mpoli wanted to know whether the court had made a determination about the reasonableness of Matthew’s new employment. The court questioned why it should make a finding on the reasonableness of Matthew’s new employment—a fact that would be relevant to a future modification of child support—given that Mpoli did not want the court to make any further rulings about child support. Mpoli responded that she was seeking clarity on Matthew’s obligations under the court’s November 2024 order.

¶21 The circuit court declined Mpoli’s request to resolve that question. It explained that the child support portion of the November 2024 order was meant to be temporary, and that any subsequent hearings on child support would have addressed the reasonableness of Matthew’s new employment. The court observed that, if the provisions of the November 2024 order pertaining to child support were considered to be final, the parties would be subject to whatever the Colorado court decided about Matthew’s new employment and any other issues that arose with respect to child support.

¶22 The circuit court then asked Mpoli if she wanted the November 2024 temporary child support order to be “converted” to a final order, and Mpoli affirmed that was what she wanted. Matthew had no objection. Accordingly, the court stated: “So with that, I am going to declare that the order I issued in

November is, for purposes of Wisconsin now, a final order. I'm closing the book on child support and those pending motions here in Wisconsin." The court acknowledged that Matthew's pending motion for attorney fees fell outside the court's order, but otherwise broadly declared: "I will not conduct further proceedings on those related to relocation, custody, placement, or support."

¶23 The circuit court incorporated its oral ruling into a January 2025 written order. In that order, the court said that it was "declin[ing] to exercise any potential ongoing jurisdiction regarding child support" and indicated that "[a]ny further proceedings on child support shall take place in Colorado." The court also wrote that Mpoli "has no right under Wisconsin law to seek a modification of child support retroactive to any prior date." Mpoli objected to that language in the order because, among other things, it could be viewed as prohibiting her from requesting a reconciliation of child support from the past year under the terms of the divorce judgment. The court denied her request to modify that language.

¶24 In February 2025, the issue of reconciliation was again raised in circuit court filings. As noted, the divorce judgment allowed for the parties' child support obligations from the prior year to be reconciled based on actual information about the parties' incomes and the number of days the children spent with each parent, but the parties had been unable to reach a stipulated agreement about whether the amount of child support that had been paid from January to August 2024 was correct. Mpoli asked the court to reconcile child support from those months, and she told the court that she was making the request in Wisconsin "in the interest of judicial economy" and because the Colorado court and attorneys might be unfamiliar with Wisconsin's reconciliation process. Mpoli argued that the circuit court retained jurisdiction to reconcile child support because the Colorado court had not yet entered any child support orders.

¶25 In March 2025, the circuit court denied the request on the ground that it had previously ruled, as a matter of comity, that it would not issue any further child support orders. It stated that it would address the issue only if both parties requested a reconciliation order from the court. Matthew did not join Mpoli’s request for the court to reconcile 2024 child support.

¶26 In April 2025, Matthew filed a motion asking the Colorado court to modify the existing physical placement schedule that had been established by the circuit court. Mpoli objected and, in a letter to the circuit court, she asked the court to reconsider its prior ruling that had reinstated the placement schedule from the divorce judgment. More specifically, Mpoli asked the court to “vacate” the November 2024 order as to placement, to “order a final hearing on placement,” and to “change venue for [that] hearing to [the Colorado court].” After the circuit court denied that request, Mpoli asked the Colorado court to hold Matthew’s motion in abeyance until this court issued a decision in the *Simwanza-Johnson I* appeal, and she objected to the Dane County court relinquishing jurisdiction over custody and placement decisions while that appeal was pending.

¶27 In May 2025, the magistrate judge who was overseeing the litigation in Colorado asked for a call to confer with the circuit court. During the discussion, the Colorado judge indicated that there were a number of motions pending in Colorado, and said that it was unclear whether Wisconsin had relinquished jurisdiction over custody and placement decisions. Both judges agreed that it was “an appropriate time to clarify” which court had “jurisdiction on custody and placement.” To that end, the circuit court sent a letter to the parties asking them to address whether it should relinquish jurisdiction over child custody and placement under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). The court also asked the parties to address whether the then-

pending appeal in *Simwanza-Johnson I* should play any role in that decision. See WIS. STAT. § 808.075(4)(d) (limiting the actions a circuit court can take in a family case after an appeal has been filed and the record transmitted to the court of appeals).

¶28 Also in May 2025, Mpoli filed a motion to dismiss Matthew’s motion for contribution to his attorney fees on the ground that the motion was untimely. She also argued that the circuit court was barred from considering the motion pursuant to WIS. STAT. § 808.075, given the then-pending appeal in *Simwanza-Johnson I*.

¶29 Finally in May 2025, Mpoli also renewed her motion for reconciliation of 2024 child support. Along with her motion, Mpoli included an order from the Colorado court, which had declined to address the motion for reconciliation that Mpoli had filed on the ground that it lacked authority under Colorado law to conduct such a process. The circuit court asked Matthew whether it should consider Mpoli’s request for reconciliation, and Matthew responded that the court should not do so because it had already ceded child support jurisdiction to the Colorado court. Matthew argued that this situation, in which the Colorado court arrived at a different determination about how the divorce judgment would be enforced than what the circuit court might have decided, was a foreseeable consequence of the relocation that Mpoli had initiated.

¶30 The circuit court held another hearing in June 2025. Regarding jurisdiction over custody and placement, the court found it undisputed that the parents and children no longer lived in Wisconsin, and that Colorado was their home state. It determined that the pending appeal was not a barrier to its

obligation to abide by the UCCJEA, and that it would “transfer and defer ... jurisdiction” on custody and placement issues to the Colorado court.

¶31 With respect to reconciliation of the parties’ 2024 child support obligations, the circuit court denied Mpoli’s renewed motion for reconciliation. As the court explained, “the idea was, once you’re in Colorado and I transfer jurisdiction on child support to Colorado, now Colorado needs to apply their laws from that day forward on any new motions.” The court further explained that it would be “detrimental ... and chaotic for me to keep dabbling in a case” that belonged in the Colorado court. The court concluded: “I made the decision with your agreement, Ms. Simwanza-Johnson, to put the final door closed on child support. I’m not going to reopen it now.... I’m not going to take that issue back. We’re leaving it in the hands of Colorado.”

¶32 The circuit court memorialized both decisions in a written order that it issued on July 2, 2025 (the “July 2025 order”). In that order, the court also addressed Matthew’s motion for attorney fees, dismissing the motion on the ground that the *Simwanza-Johnson I* appeal was pending and the court “lack[ed] the right to consider” the motion at that time. The court wrote: “It may be refiled upon remittitur.” Mpoli appeals the July 2025 order.⁶

⁶ In March 2026, after all briefing was complete in this appeal, we issued the decision in *Simwanza-Johnson I*. See *Simwanza-Johnson v. Johnson*, No. 2024AP2347, unpublished slip op. (Ct. App. Mar. 26, 2026). In our decision, we affirmed the circuit court order that vacated the temporary relocation order and reinstated the original placement schedule. *Id.*, ¶4. We also affirmed the other orders that Mpoli challenged in that appeal “with one exception: we revers[ed] the part of the court’s September 24, 2024 order requiring that Mpoli pay Matt’s placement-related travel expenses, and we remand[ed] with directions that the circuit court enter an order, consistent with [that] opinion, relieving Mpoli from having to pay Matt’s placement-related travel expenses.” *Id.*

(continued)

DISCUSSION

¶33 Mpoli raises three issues on appeal. She argues that the circuit court erred when it denied her request that it reconcile child support; when it transferred child custody and placement jurisdiction to the Colorado court; and when it stated that Matthew may refile his motion for attorney fees after remittitur of the *Simwanza-Johnson I* appeal. We address the issues in that sequence, providing additional background as needed.

I. Child Support Reconciliation

¶34 We begin with Mpoli’s challenge to the circuit court’s denial of her motion to reconcile 2024 child support. As noted, the circuit court denied Mpoli’s motion based on the doctrine of comity.

¶35 “Comity is based on respect for the proceedings of another system of government.” *Grant Cnty. DSS v. Unified Bd. of Grant and Iowa Cntys.*, 2005 WI 106, ¶25, 283 Wis. 2d 258, 700 N.W.2d 863. The principles underlying the doctrine are to “promote justice between individuals” and “produce a friendly intercourse between the sovereignties to which they belong.” *Teague v. Bad River Band of Lake Superior Tribe of Chippewa Indians*, 2000 WI 79, ¶36, 236 Wis. 2d 384, 612 N.W.2d 709 (citation modified). These principles “support

Because the briefing in this appeal occurred before we issued our decision in *Simwanza-Johnson I*, we asked Mpoli to advise the court whether she wished to withdraw any of the issues that she raised in this appeal on mootness grounds. Mpoli declined to withdraw any of the issues.

In his response to Mpoli’s response to this court, Matthew included documents from the Colorado proceeding, which he asks us to take judicial notice of pursuant to WIS. STAT. § 902.01. Mpoli opposes that request. Without addressing whether judicial notice would be appropriate, we decline to take notice of the documents because they are not necessary to our decision.

communication and cooperation between courts of concurrent jurisdiction for purposes of jurisdiction allocation.” *Id.*, ¶37. To that end, Wisconsin case law has recognized that a circuit court may decline to exercise jurisdiction over child support and defer that jurisdiction to another state if the court determines that the other state “is better able to determine the merits of the child support dispute.” *Daniel-Nordin*, 173 Wis. 2d at 651.

¶36 The decision to defer jurisdiction over child support to another state’s court as a matter of comity is a matter of judicial discretion. *Id.* at 651-52. “A circuit court properly exercises its discretion when it ‘examines the relevant facts, applies a proper standard of law, and, using a demonstrated rational process, arrives at a conclusion that reasonable judges could reach.’” *Hatch v. Hatch*, 2007 WI App 136, ¶6, 302 Wis. 2d 215, 733 N.W.2d 648 (citation omitted).

¶37 Here, the circuit court deferred its jurisdiction over child support to the Colorado court in January 2025, and Mpoli effectively asked it to reclaim that jurisdiction when she later asked the court to reconcile Matthew’s child support obligation for specific months in 2024. Because the court’s decisions to defer jurisdiction and deny Mpoli’s reconciliation request are intertwined, we examine them both, concluding that the court did not erroneously exercise its discretion when it denied Mpoli’s reconciliation motion after having deferred jurisdiction.

¶38 As noted, during the January 2025 hearing, the circuit court announced that it would defer to the Colorado court and cede whatever child support jurisdiction the court may have had. With that, the court declared that it would not conduct any further proceedings related to child support. Mpoli does not challenge this exercise of discretion, and it is evident why not. Based on this record, it is clear that, in response to Mpoli’s request to defer jurisdiction over

child support, the court examined the relevant facts, applied established Wisconsin law, and, using a demonstrated rational process, arrived at a reasonable conclusion that granted Mpoli's request.

¶39 More specifically, the circuit court identified reasons for and against retaining jurisdiction. On one hand, the court noted that it was familiar with the case, having the benefit of the historical background and knowledge of the parties and proceedings because it had overseen the contested divorce and all contested issues since the divorce. As the court explained, that background and knowledge would put it in a very good position to make decisions on contested issues like child support. On the other hand, the court recognized that the parents and children all lived in Colorado, and it would make little sense to continue to apply Wisconsin law for one more order when the ongoing disputes about child support would be decided by the Colorado court and be based on Colorado law. In the end, the court determined that the reasons for deferring to Colorado outweighed the reasons for retaining jurisdiction so that it could issue one more order under Wisconsin law. The court relied on the guidance provided in *Daniel-Nordin* and stated that its decision was based on efficiency, certainty, and its determination about the best forum to decide the issues. The court also relied on input from the parties, who both agreed that the Colorado court should decide what the parties' child support obligations should be now that Matthew had secured employment in Colorado. The court's decision to defer jurisdiction over all child support issues to Colorado was sound.

¶40 We now turn to the disputed issue: whether the circuit court erroneously exercised its discretion when it made its subsequent decision to deny Mpoli's reconciliation request, which Mpoli made after she brought that issue to the Colorado court and that court told her that reconciliation was not an option

under Colorado law. To take up Mpoli’s reconciliation request, the circuit court would need to exercise jurisdiction over child support—the very thing that it had previously deferred to the Colorado court at Mpoli’s request.

¶41 In making its decision, the circuit court recalled that it had previously ordered that it would not issue any more orders regarding child support, and it entertained the idea of considering the reconciliation request if both parties agreed that it should do so. When Matthew objected, the court declined to exercise whatever jurisdiction it may have had, relying on the parties’ prior agreement and its prior comity-based rationale.

¶42 The circuit court also took the Colorado court’s decision not to reconcile 2024 child support into account, but it concluded that the Colorado court’s decision did not justify a different result. The court explained its reasoning as follows:

[T]he idea was, once you’re in Colorado and I transfer jurisdiction on child support to Colorado, now Colorado [courts] need to apply their laws from that day forward on any new motions.

So the reconciliation was a little bit of a gray area, in that it’s specific to this court and this state, and Colorado says that they have no procedure or statute allowing for that kind of reconciliation. I’m not sure what their law is, why they can’t necessarily enforce a judgment that provides for that But that’s what they’ve decided. And that was a risk that existed when I closed the door on child support. And we talked about the risks of Colorado not being able to do some of what I could do. And I made the decision with your agreement, Ms. Simwanza-Johnson, to put the final door closed on child support. I’m not going to reopen it now....

The court further explained that it would be “detrimental” and “chaotic” for the court “to keep dabbling in a case” that belonged in Colorado, and that it would be

“completely inappropriate” for the court to “keep [its] fingers in little pieces of the case, while the rest of it exists in and is in front of the Colorado courts.” Accordingly, the court concluded, “I’m not going to reopen [the issue of child support reconciliation], and I’m not going to take that issue back. We’re leaving it in the hands of Colorado.”

¶43 As noted above, Mpoli does not challenge the soundness of the circuit court’s original decision to defer jurisdiction to the Colorado court. We reject her challenge to the court’s subsequent decision not to reclaim jurisdiction to decide her reconciliation request because she fails to show that the court erroneously exercised its discretion. The record shows that, when presented with an additional relevant fact—that the Colorado court would not reconcile child support—the circuit court again considered the facts, applied a proper standard of law, and reached a conclusion a reasonable judge could reach.

¶44 As best we understand, Mpoli appears to be arguing that the circuit court erred as a matter of law because its January 2025 decision to defer jurisdiction of child support to the Colorado court was limited to “prospective modifications of child support.” That is, Mpoli argues that the court deferred jurisdiction only as to those orders that address the circumstances following the children’s relocation to Colorado in August 2024. Based on her interpretation of the scope of the court’s January 2025 order, Mpoli contends that the court continued to retain jurisdiction to issue an order that would address child support obligations from January to August 2024, a period of time in which the children still resided in Wisconsin and the circuit court undisputedly had jurisdiction over child support.

¶45 We disagree with Mpoli’s interpretation of the January 2025 order. When the circuit court made its decision to defer jurisdiction in January 2025, the court ruled that it was “closing the book on child support,” and its written order provided that “[a]ny further proceedings on child support shall take place in Colorado.” These statements are unequivocal, and there is no indication in these statements or elsewhere that the court intended its order to leave the door open for any future orders related to child support, including any reconciliation order regarding past years.

¶46 Mpoli also argues, correctly, that comity is a matter of judicial policy, and not a matter of jurisdiction. To that end, she argues that because the circuit court’s January 2025 decision was based on comity, the court “had the ability to continue to exercise [concurrent] jurisdiction over any child support issues that could not be resolved by the Colorado courts.” She further argues that the divorce judgment gave her a right to the reconciliation process, and that, once it was brought to the Dane County court’s attention that the Colorado court would not vindicate that right, the Dane County court “should have exercised its continuing jurisdiction and performed the reconciliation itself.” Mpoli goes so far as to argue that the Dane County court “could not arbitrarily refuse to enforce that right.”

¶47 But Mpoli does not demonstrate that the circuit court’s decision on this point was an arbitrary refusal to enforce a legal right. She convincingly argues that the court could have reconsidered its prior decision with respect to her reconciliation request, but she does not cite relevant legal authority showing that the court was required to do so, especially not here, where the court gave sound reasons for taking a hands-off approach with respect to the ongoing disputes between the parties. Specifically, the court explained that as of the day of the

court’s decision, it had transferred jurisdiction over all aspects of the case to the Colorado court, and it further explained why it would be “detrimental,” “chaotic,” and “inappropriate” for the court “to keep dabbling in a case” that belonged in Colorado. The fact that Mpoli was denied the relief she wanted by the Colorado court did not make it incumbent on the Dane County court to reconsider its decision to defer jurisdiction over child support to Colorado, especially in light of the other considerations that the court articulated for declining to exercise concurrent jurisdiction at that stage of the proceeding.

II. Child Custody and Placement Jurisdiction

¶48 We turn to the circuit court’s decision to transfer child custody and placement jurisdiction to the Colorado court pursuant to the UCCJEA. As noted, Mpoli argues that the court lacked authority to transfer jurisdiction over child custody and placement decisions to another state while the appeal in *Simwanza-Johnson I* was pending. Mpoli argues that the transfer was contrary to WIS. STAT. § 808.075, which does not expressly identify such transfers among the limited actions a court can take while an appeal is pending. And she argues that the policy underlying this prohibition is sound—that allowing a jurisdictional transfer while the *Simwanza-Johnson I* appeal was pending had the potential to create “jurisdictional competition and conflict” if the *Simwanza-Johnson I* court determined that the circuit court’s decisions leading to that appeal constituted reversible error.

¶49 Mpoli’s argument on this issue turns on the proper interplay between the UCCJEA (the uniform law that governs state court jurisdiction over child custody and placement decisions) and WIS. STAT. § 808.075(4)(d) (the Wisconsin rule of appellate procedure that limits the actions a circuit court can take in a

family case when an appeal is pending). As Mpoli correctly observes, § 808.075(4)(d) does not specifically identify jurisdictional transfer under the UCCJEA as one of the limited actions a circuit court can take in an action affecting a family while an appeal is pending. The question, then, is whether, in the absence of express authority, § 808.075(4)(d) implicitly allows a Wisconsin court to transfer jurisdiction over custody and placement decisions to another state’s court, despite a pending appeal. See *Sojenhomer LLC v. Village of Egg Harbor*, 2024 WI 25, ¶20, 412 Wis. 2d 244, 7 N.W.3d 455 (“we interpret the statutory language the legislature enacted, and will not read into a statute language that it does not contain or reasonably imply”). Resolution of this question requires us to interpret statutes, and statutory interpretation is a question of law that we review de novo. *Ho-Chunk Nation v. DOR*, 2009 WI 48, ¶11, 317 Wis. 2d 553, 766 N.W.2d 738.

¶50 Statutory interpretation begins with “‘a full consideration of all relevant intrinsic sources’ including ‘the statutory text at issue, related statutes and phrases, a statute’s place within the statutory structure, its stated or textually manifest purpose, and statutory history.’” *Brekke v. Midwest Med. Ins. Co.*, 2026 WI 29, ¶20, 421 Wis. 2d 381, 37 N.W.3d 515 (citation omitted). Statutory language should be “‘interpreted ‘reasonably, to avoid absurd or unreasonable results.’” *Id.* (citation omitted).

¶51 The UCCJEA is a uniform law that has been codified in many states, including Wisconsin and Colorado. See WIS. STAT. ch. 822 (Wisconsin’s codification); see also COLO. REV. STAT. § 14-13 (2025) (Colorado’s codification, which is identical in all material respects to Wisconsin’s codification). It was enacted, among other reasons, to “[a]void jurisdictional competition” and to “[p]romote cooperation with the courts of other states” so that child custody and

placement orders are “rendered in the state that can best decide the case in the interest of the child.” WIS. STAT. § 822.01(2)(a)-(b). Prior to the adoption of the UCCJEA, jurisdictional conflicts would arise when more than one state had jurisdiction to make child custody and placement determinations. **Hatch**, 302 Wis. 2d 215, ¶11. To that end, the UCCJEA provides a framework to determine which court has jurisdiction over these issues, and, in theory, “leave[s] a single state with jurisdiction.” **Id.**, ¶12.

¶52 We begin with the UCCJEA’s framework for making initial determinations about child custody and placement.⁷ WISCONSIN STAT. § 822.21 provides, in essence, that the “home state ... always receives priority, and other jurisdictional bases are available only when there is no home state, or where the home state declines jurisdiction.” **Hatch**, 302 Wis. 2d 215, ¶12. The UCCJEA defines the “home state,” in relevant part, as “the state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of the child custody proceeding.” WIS. STAT. § 822.02(7). In this case, it is undisputed that Wisconsin was the home state for the purpose of the initial determinations about child custody and placement, which were incorporated into the divorce judgment.

¶53 We next describe the UCCJEA’s framework for modifying existing determinations about custody and placement. WISCONSIN STAT. §§ 822.22 and 822.23 are both relevant to determining which state has jurisdiction in this situation.

⁷ An initial child custody and placement determination is “the first child custody determination concerning a particular child.” WIS. STAT. § 822.02(8).

¶54 WISCONSIN STAT. § 822.22 generally provides that, once a court has assumed jurisdiction over the custody and placement of a child, it has “exclusive, continuing” jurisdiction until certain determinations are made by a court. One way a court can lose jurisdiction is if the court determines that “neither the child, nor the child and one parent, ... have a significant connection with this state and that substantial evidence is no longer available in this state concerning the child’s care, protection, training, and personal relationships.” § 822.22(1)(a). Another way a court can lose jurisdiction is if the court, or a court of another state, determines that the child and the child’s parents “do not presently reside in this state.” § 822.22(1)(b). If a court that made a child custody and placement determination loses its exclusive, continuing jurisdiction, it may only modify the determination if it can once again satisfy the requirements of WIS. STAT. § 822.21. § 822.22(2).

¶55 For its part, WIS. STAT. § 822.23 addresses the circumstances under which a court can modify child custody and placement determinations that were made by a court of another state. To have jurisdiction, the modifying court must satisfy the requirements for making an initial determination consistent with WIS. STAT. § 822.21(1), meaning, in relevant part, that the modifying court is now the court in the child’s “home state.” § 822.23. Also, at least one of two determinations must be made. One option is for the original court to determine that it no longer has exclusive, continuing jurisdiction, *see* WIS. STAT. § 822.22, or that the modifying court would be a more convenient forum, *see* WIS. STAT. § 822.27. § 822.23(1). The other option requires either the original court or the modifying court to determine that the child and the child’s parents do not presently reside in the state of the original court. § 822.23(2).

¶56 The UCCJEA also has provisions that encourage courts in different states to communicate and cooperate about child custody and placement proceedings that have interstate implications. *See* WIS. STAT. §§ 822.10, 822.12.

¶57 WISCONSIN STAT. ch. 767, which is the chapter of the Wisconsin Statutes that governs all actions affecting the family, specifically requires that “all proceedings related to the custody of children shall comply with the requirements of [WIS. STAT.] ch. 822.” WIS. STAT. § 767.01(2m). And to that end, ch. 822 is incorporated into ch. 767 multiple times. *See* WIS. STAT. § 767.041(3) (ch. 822 governs all matters relating to the effect of child custody judgments of another court); WIS. STAT. § 767.225(1) (certain temporary orders are subject to ch. 822); WIS. STAT. § 767.41(1)(a) (child custody determinations may be made in an action affecting the family, “[s]ubject to ch. 822”).

¶58 These provisions came into play in this case as follows. As discussed, the Dane County court entered an order on placement in November 2024. Following the entry of that order, there were ongoing disputes about whether the placement order should be modified in some way. In April 2025, Matthew filed a motion asking the Colorado court to modify the November 2024 order, specifically requesting equal placement. Mpoli objected to Matthew’s motion.

¶59 These events led to a May 2025 conference between the Dane County court and the Colorado court, during which both courts agreed that it was “an appropriate time to clarify jurisdiction on custody and placement.” To that end, the circuit court asked the parties to address whether it should relinquish jurisdiction over child custody and placement under the UCCJEA. At that point, Mpoli objected to the court relinquishing jurisdiction due to the then-pending

appeal, specifically arguing that the limitations in WIS. STAT. § 808.075 prevented the court from doing so. After considering the parties’ arguments, the circuit court found that “Colorado [was] now the home state of the children and the parents” and that the Dane County court no longer had “exclusive, continuing jurisdiction” over child custody and placement. *See* WIS. STAT. § 822.22. The court entered an order that “transfer[red]” jurisdiction to the Colorado court.

¶60 It is undisputed that as of May 2025, the children and both parents had been living in Colorado for at least six months, meaning that Colorado would, under the UCCJEA, be considered the “home state.” *See* WIS. STAT. § 822.21(1)(a). It is also not reasonably disputed that the Colorado court could have held a hearing in May 2025 and made the determination contemplated by WIS. STAT. §§ 822.22(1)(b) or 822.23(2)—that is, that the children and parents “[did] not presently reside in” Wisconsin. *See* COLO. REV. STAT. § 14-13-202, 203 (setting forth Colorado’s codification of these UCCJEA sections).⁸ If the Colorado court had made that determination, jurisdiction over custody and placement would have transferred to Colorado without any further action by the Dane County court. Mpoli argues that WIS. STAT. § 808.075 prevented the Dane County court from making that same determination.

⁸ Mpoli may be arguing that the Colorado court could not have made this determination because, under Colorado’s version of WIS. STAT. § 822.26, the pending appeal of a prior placement decision in *Simwanza-Johnson I* and the action brought by Matthew in Colorado to modify placement going forward were “simultaneous proceedings” addressing custody and placement. In other words, Mpoli seems to be arguing that an appeal effectively freezes jurisdiction of any ongoing custody and placement decisions in the state that made the decision that is subject to the appeal. But Mpoli does not cite any authority we find to be persuasive to support that argument, and we reject it as contrary to the text and underlying aims of the UCCJEA, which include prioritizing home state jurisdiction of custody and placement decisions. *See Hatch v. Hatch*, 2007 WI App 136, ¶12, 302 Wis. 2d 215, 733 N.W.2d 648.

¶61 As discussed, WIS. STAT. § 808.075 limits the actions a circuit court may take during the pendency of an appeal. And as relevant here, § 808.075(4)(d) specifically identifies actions a circuit court may take during an appeal of a case under WIS. STAT. ch. 767 (that is, actions affecting the family such as this one). The list does not include transferring jurisdiction under the UCCJEA, but it does include, among other things, orders (and enforcement thereof) related to modification of child custody and placement, visitation rights, child support, and maintenance payments. *See* § 808.075(4)(d)1.-13.

¶62 WISCONSIN STAT. § 808.075 gives a circuit court express authority to revise child custody orders during an appeal, *see* § 808.075(4)(d)1, and implicit in that express grant of authority is the authority to take actions necessary to revise custody and placement consistent with Wisconsin law. And as discussed, WIS. STAT. ch. 767 requires all proceedings related to child custody to comply with Wisconsin’s codification of the UCCJEA. *See* WIS. STAT. § 767.01(2m); *see also* WIS. STAT. § 767.41(1)(a) (child custody determinations are “[s]ubject to [WIS. STAT.] ch. 822”). What this means is that, as part of a decision to lawfully modify an existing child custody determination during a pending appeal pursuant to WIS. STAT. §§ 767.41, 767.451, and 808.075(4)(d), a court would be required to consider whether it had jurisdiction to do so under the UCCJEA, and could not have modified the existing order if it determined that it had lost jurisdiction to do so. *See* WIS. STAT. § 822.22(2).

¶63 Therefore, we conclude that the circuit court had implicit authority to make the determination that it no longer had exclusive, continuing jurisdiction over custody and placement. We further conclude that, in accordance with that determination, the court had implicit authority to relinquish jurisdiction to the Colorado court. An interpretation to the contrary would thwart the statutory

provisions that expressly allow custody and placement decisions to be modified during an appeal. Such an interpretation would also undermine the purposes of the UCCJEA, which include facilitating interstate cooperation and ensuring that custody and placement determinations are made by the court in the child's home state. An interpretation that the court could act to modify placement pursuant to WIS. STAT. ch. 767, but not to the extent that the court complied with the jurisdictional provisions in WIS. STAT. ch. 822, would thwart those purposes.

¶64 Mpoli seems to be arguing that this analysis about inherent authority is inapt because there was no motion pending in Wisconsin at the time, and so the circuit court was not required to make any order under WIS. STAT. ch. 767 that complied with WIS. STAT. ch. 822. To the extent that she is arguing that a pending motion in the Dane County court was needed to trigger the court's inquiry into custody and placement jurisdiction, we are unpersuaded. As noted, the UCCJEA encourages courts in different states to communicate and cooperate about child custody and placement proceedings that have interstate implications, *see* WIS. STAT. §§ 822.10, 822.12, and that is what occurred in this case. Indeed, the unstated implication of Mpoli's argument is that, if there had been a pending motion in Wisconsin, the Dane County court would have been permitted to consider the motion under ch. 767 and perform the jurisdictional analysis required by ch. 822. This undermines Mpoli's argument that a lack of express authority in WIS. STAT. § 808.075 is dispositive.⁹

⁹ On a related note, Mpoli argues that if Matthew had filed his motion to modify placement in Dane County, the motion "likely would have been dismissed before the jurisdictional issue was ever reached because [Matthew] would not have been able to meet the 'harm' standard required" under WIS. STAT. § 767.451(1)(a). We reject this argument for two reasons. First, as stated above, we reject the underlying premise that a motion pending in

(continued)

¶65 Here, as noted, there was a motion to modify placement pending in Colorado and, as discussed, the circuit court and the Colorado court agreed that a jurisdiction determination needed to be made. In the end, it was the circuit court that held the hearing at which it transferred child custody and placement jurisdiction to the Colorado court after it determined that “Colorado [was] now the home state of the children and the parents.” But as discussed, the Colorado court could have just as easily made a finding under its version of WIS. STAT. § 822.23(2) (COLO. REV. STAT. § 14-13-203) that all of the parties no longer resided in Wisconsin, after which the Colorado court would have assumed jurisdiction over custody and placement issues pursuant to the UCCJEA and decided Matthew’s pending motion. In other words, the Colorado court could have made the finding itself and the same result would have occurred. Under these circumstances, it is not reasonable to interpret Wisconsin’s codification of the UCCJEA to be limited by a procedural statute that does not limit Colorado’s codification of the UCCJEA.

¶66 Mpoli may also be arguing that our interpretation undermines the purpose of WIS. STAT. § 808.075, which is to assure the orderly administration of justice when an appeal is pending by limiting a circuit court’s actions that may interfere with the appeal. See *Madison Tchrs., Inc. v. Walker*, 2013 WI 91, ¶21, 351 Wis. 2d 237, 839 N.W.2d 388. She argues that the circuit court’s decision to transfer jurisdiction during the pendency of the *Simwanza-Johnson I* appeal could

Wisconsin court is necessary to trigger a court’s inquiry into its jurisdiction over custody and placement. Second, Mpoli’s argument assumes the circuit court would have addressed such a motion in an illogical order, denying the motion on the merits before it considered whether it had jurisdiction to address the motion. See WIS. STAT. § 767.01(2m).

lead to a situation in which, depending on the result of the appeal, this court might have remanded the matter to the circuit court with directions to correct an error that the court, having relinquished jurisdiction, would be unable to correct. This is because one of the issues on appeal in *Simwanza-Johnson I* was the court's November 2024 decision to reinstate the original placement terms from the divorce judgment without holding a scheduled hearing on that issue; on appeal, Mpoli argued that the court should have held the hearing and considered whether, upon Matthew's relocation to Colorado, it would be in the best interests of the children for placement to be modified consistent with a proposal that Mpoli had submitted to the court in November 2024. If Mpoli prevailed in her appeal of the November 2024 decision, the circuit court would be unable to follow a decision that directed it to hold a hearing on placement because the court already transferred its placement jurisdiction to the Colorado court.

¶67 This argument about the purpose of WIS. STAT. § 808.075 is unpersuasive for two related reasons. First, as discussed above, § 808.075 could not have prevented the Colorado court from determining that it had exclusive, continuing jurisdiction over all custody and placement issues during the appeal. Second, even if the Colorado court had not assumed jurisdiction over custody and placement during the appeal, that would not have ensured that the Dane County court would have held a hearing on placement issues following a remand in *Simwanza-Johnson I*. Instead, had this court's decision in *Simwanza-Johnson I* directed the circuit court to hold a hearing on whether to modify placement, the court likely would have started its analysis by engaging in the same jurisdictional inquiry that it engaged in during the appeal. And if the court made the same finding (one that is uncontested in this case) that the parents and children all lived in Colorado, it follows that it would have made the same determination that it no

longer had jurisdiction to modify its prior order with respect to placement. *See* WIS. STAT. § 822.22(2) (“A court of this state that has made a child custody determination and that does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under [WIS. STAT. §] 822.21.”). Consequently, the court would have relinquished custody and placement jurisdiction to the Colorado court at that time.

¶68 For all these reasons, regardless of whether the determination that the Colorado court had exclusive, continuing jurisdiction over issues of custody and placement was made during the pendency of the appeal or following a remand in *Simwanza-Johnson I*, the outcome would likely have been the same. In other words, Mpoli’s interpretation of WIS. STAT. § 808.075 would not necessarily have preserved the Dane County court’s jurisdiction over child and placement issues such that that court would have been in a position to hold the hearing to which Mpoli had argued she was entitled.

¶69 In sum on this issue, we conclude that the circuit court had the implicit authority to make a finding that it no longer had exclusive, continuing jurisdiction over child custody and placement despite the then-pending appeal, and to transfer jurisdiction to the Colorado court based on that finding.

III. The Order Dismissing Matthew’s Motion for Attorney Fees

¶70 We next address Mpoli’s challenge to the circuit court’s treatment of Matthew’s motion asking the circuit court to require Mpoli to contribute to his attorney fees.

¶71 As noted, by the time the circuit court heard arguments on Matthew’s motion, the record had already been transmitted to this court for purposes of the then-pending appeal in *Simwanza-Johnson I*. Mpoli asked the circuit court to “dismiss” the motion, both on grounds that the motion was untimely and also based on WIS. STAT. § 808.075 which, as discussed, limits the actions a circuit court can take when an appeal is pending. Matthew disputed Mpoli’s argument about timeliness, but he conceded that he had not found any exception in § 808.075 that would allow the court to decide the motion while the appeal was pending. The court stopped short of ruling on the merits of the motion, and it instead dismissed the motion based on its conclusion that it did not have authority under § 808.075 to resolve the motion while the appeal was pending. The dismissal order indicated that the motion “may be refiled upon remittitur.”

¶72 At the outset, we question whether Mpoli has standing to challenge the dismissal order on appeal. A party does not have standing to appeal an order if the party is not aggrieved by that order, *Ford Motor Credit Co. v. Mills*, 142 Wis. 2d 215, 217, 418 N.W.2d 14 (Ct. App. 1987), and here, the dismissal was at Mpoli’s request. The circuit court resolved the motion in Mpoli’s favor, in that it did not require her to contribute to Matthew’s attorney fees.

¶73 Although Mpoli persuaded the court to dismiss the motion, she takes issue with the portion of the order that says that the motion “may be refiled upon remittitur.” We assume without deciding that Mpoli has standing to challenge this portion of the order and we proceed to address her argument, as best we understand it. See *McConkey v. Van Hollen*, 2010 WI 57, ¶15, 326 Wis. 2d 1, 783 N.W.2d 855 (standing is a matter of judicial policy and not a jurisdictional bar to appellate review).

¶74 Mpoli appears to be arguing that, by stating that Matthew may refile the motion, the circuit court was making an affirmative determination that it would retain jurisdiction over the fee issue. She implies that the court adopted the arguments Matthew made about the timeliness of the motion during the circuit court proceedings, and she also asserts that the language of the order “contemplates that [Matthew] may receive attorneys’ fees based on the outcome of the [then-]pending appeal.” At bottom, she appears to be arguing that, by saying that Matthew may refile after remittitur, the court was granting him some right that he did not otherwise have to bring a motion at a later date.

¶75 Mpoli’s arguments misconstrue the language of the dismissal order. When the circuit court stated that the motion “may be filed upon remittitur,” the court was merely acknowledging that it had not decided Matthew’s motion on the merits. As we have explained, the court dismissed the motion on procedural grounds because it would not be able to decide the motion while the appeal in *Simwanza-Johnson I* was pending. Thus, the court did not make any determination about the merits of the motion Matthew filed, nor did it make any determinations about any future motion Matthew might bring. Mpoli has not cited any portion of the court’s order that can be reasonably interpreted to suggest otherwise.

¶76 To the extent that Mpoli is arguing that the language in the dismissal order grants Matthew a right that he did not previously have to bring a motion at some later date, we disagree. The order conveyed that the circuit court was statutorily prohibited from ruling on the merits at that time, but that prohibition would be lifted after the court was no longer restricted by WIS. STAT. § 808.075. The dismissal order did not change the status of either party, and Matthew was just as able to file a motion after the dismissal order as he was before. To be sure, like

any other litigant, Matthew will be bound by statutory requirements that his filings be, among other things, supported by law, *see* WIS. STAT. § 802.05(2), and nothing in the court’s order nullified that or any other requirement. A court will be required to evaluate the merits of Matthew’s motion if and when it is filed.

¶77 To the extent Mpoli is arguing that the circuit court should have also determined that Matthew’s motion was untimely and foreclosed his ability to refile his motion after remittitur, she is effectively arguing that the court should have denied the motion on the merits. But that would be contrary to WIS. STAT. § 808.075, which, as Mpoli successfully argued, did not “permit[] the court to entertain” the motion while the appeal was pending.

¶78 Finally, Mpoli may be arguing that, even if the circuit court was prevented from deciding whether Matthew’s motion was untimely, this court should make that determination on appeal. If she is making that argument, it would be contrary to the normal mode of appellate review. An appellate court generally does not consider issues that were not decided by the circuit court, and here, considering the merits of this dispute about timeliness would, at the very least, require factual findings, which this court is not empowered to make. *See Gottsacker v. Monnier*, 2005 WI 69, ¶35, 281 Wis. 2d 361, 697 N.W.2d 436 (the court of appeals is precluded from making any factual determination where the evidence is in dispute). We review the order that was entered, and we conclude that the court was right to conclude that it lacked authority to consider the merits of the motion. We decline Mpoli’s invitation to reach out and decide issues that were not decided by the circuit court.

¶79 For all these reasons, we conclude that the circuit court did not err with respect to the portion of the July 2025 order that dismissed Matthew’s motion for attorney fees.

CONCLUSION

¶80 We conclude that the court did not erroneously exercise its discretion when it denied Mpoli’s request to reconcile child support, transferred child custody and placement jurisdiction to the Colorado court, or dismissed Matthew’s motion for contribution to his attorney fees. Therefore, we affirm the circuit court’s July 2025 order.

By the Court.—Order affirmed.

Not recommended for publication in the official reports.

