DISTRICT II

January 28, 2015

To:

Hon. Ralph M. Ramirez
Circuit Court Judge
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Kathleen A. Madden
Clerk of Circuit Court
Waukesha County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2014AP667   In re the Paternity of N.G.M.: State of Wisconsin v. Diana P.
                             Minster (L.C. # 1997PA381PJ)

Before Neubauer, P.J., Reilly and Gundrum, JJ.

Dean K. Sossaman appeals a circuit court order concerning a tax intercept of his federal

tax return for child support arrears. Based on our review of the briefs and record, we conclude at

conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21

(2011-12).[1] We affirm the order of the circuit court.

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[1] All references to the Wisconsin Statutes are to the 2011-12 version.

Sossaman and Diana Minster have one child together. The child lived primarily with Minster except for a brief period in 2012 when the child resided with Sossaman.

On March 29, 2013, the circuit court expunged any child support arrears owed by Sossaman to account for the time that the child resided with him. It also required Sossaman to pay future child support in the amount of $281 per month commencing April 1, 2013. The court entered a formal order on April 16, 2013.

On April 12, 2013, the State received a tax intercept of Sossaman's federal tax return in the amount of $650. The amount was disbursed to Minster and to be applied to any outstanding child support arrears that Sossaman had. After the Waukesha County Child Support Agency received a copy of the April 16, 2013 circuit court order expunging any arrears, it credited the $650 to Sossaman's account for child support obligations going forward. It then informed both Minster and Sossaman of its action.

When Sossaman subsequently demanded the return of the $650, the State filed a motion for the circuit court to make a determination on how to proceed. Although the court did not agree with the action of prospectively applying the $650 to child support obligations, it allowed Sossaman to receive that credit. It then further compensated Sossaman by expunging new child support arrears and reducing guardian ad litem fees owed by a total of $650. The court recognized that "in essence [Sossaman] is getting like double credit here. I understand that, but I think that's an appropriate, equitable remedy under the circumstances of this case." Sossaman now appeals.

This court reviews an order regarding child support under an erroneous exercise of discretion standard. *See **Ladwig v. Ladwig***, 2010 WI App 78, ¶15, 325 Wis. 2d 497, 785

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N.W.2d 664. A court properly exercises its discretion when it examines the relevant facts, applies a proper standard of law, and, using a demonstrated rational process, reaches a conclusion that a reasonable judge could reach. ***Id.***

Here, we are satisfied that the circuit court properly exercised its discretion in fashioning a remedy following the State's tax intercept of Sossaman's federal tax return for child support arrears that had already been expunged. Although Sossaman complains that the court should have ordered the $650 returned to him, he suffered no damages from the court's decision. Indeed, he ultimately benefited from receiving $1,300 of credit on debts owed by him.

Upon the foregoing reasons,

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

Diane M. Fremgen
Clerk of Court of Appeals