



## CASS COUNTY FRIEND OF THE COURT

SERVING AND EMPOWERING FAMILIES TO MAKE CHILDREN'S LIVES BETTER.

# **CASS COUNTY FOC NEWS/UPDATES JUNE 2019**

### **Welcome New FOC Team Member**

Please help our office welcome Dawn Mallo as our new IV-D caseworker. Dawn filled the position previously held by Lisa Cutting. Like Lisa, Dawn will split her time between the FOC and Family Court, working Mondays, Tuesdays and Wednesdays in the FOC and Thursdays and Fridays in Family Court.

Dawn's position is part of the Financial Case Management (FCM) team in the FOC and her position performs a variety of administrative and case processing tasks as well as collaborating with Family Court to coordinate case management and child support services among our shared caseloads.

Dawn previously worked in District Court. She started with the Friend of the Court in May.



### **Baxter the Therapy Dog**



Baxter continues to be the most popular FOC Team Member. Baxter and his handler, Deputy Tim Gondeck, marched in the 2019 Cassopolis Memorial Day parade.

Be sure to stop in the FOC and say hi to Baxter!




















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### New FOC Website

If you haven't done so already, be sure to check out our new FOC Website

at: <https://casscourtsmi.org/foc/>

 <p>ABOUT THE FOC</p>	 <p>GENERAL FOC INFO</p>	 <p>FOC CASE TYPES</p>	 <p>STATUTES &amp; RULES</p>
 <p>VIEW YOUR CASE</p>	 <p>MAKE A PAYMENT</p>	 <p>PARENTING TIME</p>	 <p>CHILD CUSTODY</p>
 <p>SUPPORT BASICS</p>	 <p>MODIFICATIONS</p>	 <p>ENFORCEMENT</p>	 <p>HEALTH INSURANCE</p>
 <p>MEDIATION</p>	 <p>FOC FAQs</p>	 <p>FOC FORMS</p>	 <p>ONLINE RESOURCES</p>
 <p>FOC NEWS</p>			



## CASS COUNTY FRIEND OF THE COURT

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### **What is an Abatement**



**By: Donella Kujawa, FCM Supervisor**

What happens to a child support order if the child ends up living with the person paying child support after support is ordered? Under these circumstances, the payer can request an abatement of the child support. The term abatement is used to describe an action to "alleviate or remove." When dealing with child support, Michigan law provides for support to abate if the child(ren) and payer start living in the same home together after support is ordered.

If a payer wishes to request abatement of support because he or she is living in the same home as the child(ren), the payer should contact the Friend of the Court Office to obtain a form called "Request to Abate (Stop) Child Support Because of Child(ren) Living With Payer" or the form can be retrieved on-line from our website.

When we receive this form, the caseworker responsible to process abatements will file a 21-day Notice that support will abate with Circuit Court. The 21-day period is to allow time for the recipient of support to file an objection. The caseworker will mail a copy of the notice to each of the parties to notify them that a request to abate support has been made. The form will include the requested effective date and the child(ren's) information the abatement applies to. The recipient of support will receive an objection form along with the notice in case he or she would want to object to the request.

If an objection is not filed within 21 days, support shall abate retroactive to the effective date stated in the Notice, for the child (ren), named in the Notice. If an objection is filed, the caseworker will send a letter to the parties stating that the Friend of the Court will not proceed with the administrative abatement. The letter will inform the parties that if they would like the Court to rule on the matter, they must file a motion or seek advice from an attorney. A hearing would have to be scheduled by the moving party.



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### **What is an Abatement**

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**By: Donella Kujawa, FCM Supervisor**

It should be noted, however, that when support abates, support is the only provision in the court order that is affected. Abatement does not mean that custody has legally changed. If the parent who was the payer, that now is living with the child(ren), wants to change custody, a motion must be filed regarding custody. Unless agreed to by the parties, a hearing would be held and only by an order of the Court custody could change. If the parties submit a stipulation regarding custody (forms available upon request or from our website) an order from the Court indicating whether it was approved or denied would enter. You should contact an Attorney to help you through this process. The Friend of the Court's office is not allowed to give legal advice. If you are comfortable representing yourself, we do have "pro per" packets for your use.

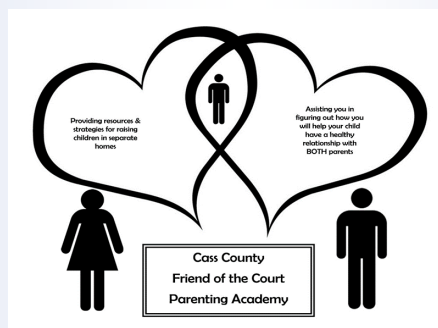
If no objection was filed and support was abated, the Friend of the Court's office must be notified if and when the child(ren) are back living with just the recipient of support. A letter or email should be sent to the Friend of the Court's office stating the facts including the date the child(ren) stopped living with the payer. If both parties were living with the child(ren), we would need the date of the new separation. Also included in the letter to the FOC, should be any new address, contact information, and employment information for both parties, if known. The caseworker will then send the parties a letter stating that the abatement has been terminated, the date of the termination, and that support has been reinstated at the previously ordered amount. At that time, the caseworker will generate an income withholding order to the payer's employer. A coupon and information on how to pay support will be included in the payer's letter so that support can be paid to the Michigan State Disbursement Unit until support begins being deducted from his or her paycheck.



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### **Parenting Academy**



**An interactive, no-cost, learning opportunity for parents raising children in separate homes**

Participants learn about the FOC, co-parenting strategies, and ways to handle tough issues facing all parents raising children in separate homes

Module #1: Introduction to the Friend of the Court/Putting Children First

Module #2: Conflict Resolution

Module #3: Communication

Module #4: Joint Decision Making

Module #5: Boundaries and Safety Issues in the Co-Parenting Relationship

Those in attendance at a session receive a "Certificate of Attendance"

Those completing all five modules receive a "Diploma"

Speakers will include FOC staff & family counseling professionals

Cass District Library, 319 M-62 North, Cassopolis, MI 49031

#### **Remaining 2019 Dates**

Tues, June 11, 2019, from 6:00-7:30 pm, Module #2

Tues, July 9, 2019, from 6:00-7:30 pm, Module #3

Tues, August 13, 2019, from 6:00-7:30 pm, Module #4

Tues, September 10, 2019, from 6:00-7:30 pm, Module #5

Tues, October 8, 2019, from 6:00-7:30 pm, Module #1

Tues, November 12, 2019, from 6:00-7:30 pm, Module #2

Tues, December 10, 2019, from 6:00-7:30 pm, Module #3

**Questions, Contact Carol Bealor at 269-445-4482**



## CASS COUNTY FRIEND OF THE COURT

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### **Case Law Updates**

#### **Belgiorno v Belgiorno**, Mich App, (2/2019)

The court held that the trial court erred if it relied on equitable consideration in awarding defendant ex-wife \$106,900 in satisfaction of the retirement benefits provision in the parties' consent divorce judgment, and it erred in including contributions plaintiff ex-husband made to his 401(k) after he filed the divorce complaint.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/022619/69908.pdf>

#### **Boyd v Friskey**, Mich App (2/2019)

The court held that plaintiff failed to bring a timely ROPA action and was not entitled to an extension.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/022819/69945.pdf>

#### **In re Estate of Omey**, Mich App (2/2019)

Holding that there was no conflict between the prenuptial agreement and the quitclaim deed, and that the unambiguous terms of the prenuptial agreement must be enforced, the court reversed summary disposition to appellee-surviving spouse and remanded.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/022819/69946.pdf>

#### **Safdar v Aziz**, Mich App (3/2019) **PUBLISHED OPINION**

The court held that because the U.S. "has not accepted Pakistan's accession to the Convention, Pakistan is not a 'party' to the Convention for purposes of MCL 722.27a(10)." Thus, it affirmed the trial court's order denying defendant-mother's motion for change of domicile. It also held that the trial court did not abuse its discretion in denying her request for attorney fees.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/030719/69978.pdf>

#### **In re PLSR**, Mich App (3/2019)

Holding that the trial court did not clearly err when it found that respondent-father engaged in regular and substantial attempts to contact the child and that petitioner-mother blocked his ability to do so, the court affirmed the trial court's order denying her petition to terminate respondent's parental rights to their child and to grant a petition for stepparent adoption.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/031219/70009.pdf>

#### **In re AGD**, Mich App, (3/2019) **PUBLISHED OPINION**

The court concluded that under the framework set forth in Associated Builders, it was not bound to follow AJR's construction of former MCL 710.51(6) (the stepparent adoption statute) in this case because that construction was clearly superseded by 2016 PA 143. It also held that the trial court properly ruled "that a parent is only entitled to petition for termination under MCL 710.51(6) if the petitioning parent, at the time of the petition, has custody of the child who is at issue according to a court order."

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/031419/70018.pdf>



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### **Case Law Updates**

#### **Engle v Engle**, Mich App (3/2019)

While the court held that the trial court did not abuse its discretion in granting plaintiff wife's motion for reconsideration, it lacked the authority to modify the parties' consent judgment of divorce without their consent and without finding either that there were grounds for relief from judgment or that the judgment of divorce's property settlement was incomplete.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/031419/70036.pdf>

#### **Ahmed v Moslimani**, Mich App (3/2019)

The court held that the trial court did not err by denying defendant father's motion for a change of custody or a modification of parenting time.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/031419/70043.pdf>

#### **In re Antonia Gualtieri Living Trust**, Mich App (3/2019)

The court held that the probate court did not err by denying petitioner's petition for distribution from the trust at issue in this case where petitioner sought to compel respondents-successor co-trustees to make income distribution payments to her ex-husband, out of which she could then seek payment of her ex-husband's child support and alimony arrearages.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/031919/70059.pdf>

#### **Csercse v Csercse**, Mich App (3/2019)

The court held that the trial court did not clearly err in ordering plaintiff ex-husband to pay spousal support. Also, the trial court's division of a personal injury lawsuit settlement amount was equitable and not erroneous. Finally, the trial court did not clearly err in requiring him to cover defendant ex-wife's attorney fees.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/031919/70064.pdf>

#### **Donakowski v Reddie**, Mich App (3/2019)

The court held that the trial court erred in failing to consider whether an established custodial environment existed and if so, whether plaintiff-mother's proposed move would modify or alter it. But the trial court did not err in denying defendant-father's motion to change physical custody without conducting an evidentiary hearing or considering the statutory best interest factors where it determined that he failed to show proper cause or a change of circumstances.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/031919/70076.pdf>

#### **Sicher v Sicher**, Mich App (3/2019)

The court held that the trial court did not abuse its discretion in awarding plaintiff ex-wife interest on the amount defendant ex-husband had failed to transfer to equalize the parties' IRAs as required by their consent judgment of divorce, and that it did not err in refusing to appoint a successor arbitrator. Further, defendant did not meet his burden of proving that laches applied.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/032119/70113.pdf>



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### **Case Law Updates**

#### **Anbuchozhan v Arjunan**, Mich App (3/2019)

Holding that the trial court did not err in refusing to credit plaintiff ex-husband for \$11,421 he paid to defendant ex-wife while they were separated but before the divorce judgment was entered, or clearly err in its division of the marital assets, the court affirmed the judgment.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/032119/70119.pdf>

#### **Scott v Nabuufu**, Mich App (3/2019)

The court held that the trial court did not err by dismissing plaintiff father's custody complaint for lack of jurisdiction—the child's home state was Indiana under a UCCJEA analysis since it was defendant mother's intent to remain in Indiana.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/032619/70143.pdf>

#### **Herald v Rozek**, Mich App (3/2019)

The court dismissed as moot plaintiff father's claim as to that part of his motion addressing the modification of parenting time.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/031919/70059.pdf>

#### **Palmer v Anaya**, Mich App (3/2019)

The court vacated the trial court's order granting defendant-mother's motion to change custody and remanded finding that proper evidentiary standard must be applied to best interests determinations.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/032619/70149.pdf>

#### **Kehoe v Camilleri**, Mich App (3/2019)

Rejecting defendant-father's claim that it lacked jurisdiction, and concluding that the trial court was not obligated to consider the MCL 722.23 factors where it found plaintiff-mother failed to show proper cause or a change of circumstances, the court affirmed the order denying her motion to modify custody and parenting time.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/032619/70150.pdf>

#### **Ahles v Ahles**, Mich App (3/2019)

The court held that the trial court did not err by refusing to set aside an order of default on the basis that there was no excuse for violating a court rule, but erred by making insufficient factual findings on the issues of the equitable division of the marital property and child custody.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/032819/70162.pdf>





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### Case Law Updates

#### **Fuchs v Fuchs**, Mich App (3/2019)

The court held that the trial court properly found that the children had an established custodial environment with both parties. Also, defendant was not entitled to relief on the basis that the trial court failed to consider the factors in MCL 722.27a (7) separately from those in MCL 722.23 before changing parenting time. Finally, the trial court properly considered the best interest factors in MCL 722.23.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/032819/70174.pdf>

#### **Green v Steinacker**, Mich App (3/2019)

Concluding that the record showed plaintiff father consented to entry of the consent order changing the domicile of the parties' child and modifying parenting time, the court affirmed. Where the parties agree on custody and visitation and present their agreement to the trial court, the court does not have to expressly articulate each of the factors because it is implicit in its acceptance of the agreement that the arrangement is in the best interests of the child.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/032819/70176.pdf>

#### **Grayer v Grayer**, Mich App (4/2019)

Holding that defendant father's argument as to the application of MCL 722.31(4)(c) had merit, the court vacated the trial court's denial of his motion as to a change of custody and change of domicile for the two children he shares with plaintiff mother, and remanded. The proper question was not whether plaintiff could maintain the current visiting schedule. But this was what the trial court considered, finding that 'a move of this distance would ultimately disrupt and significantly alter the current arrangements.' The trial court only considered whether, after defendant moved, plaintiff would be able to continue her current parenting-time arrangement. This was improper. Rather, it should have considered whether the proposed schedule would provide plaintiff with a realistic opportunity to maintain her relationships with the children. Thus, the trial court's decision was 'improperly influenced by an erroneous interpretation of factor (c).

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/041119/70235.pdf>

#### **Seifeddine v Jaber**, Mich App (4/2019) **PUBLISHED OPINION**

Holding that plaintiff ex-husband's arguments challenging the trial court's ruling that the "mahr" provision in the parties' Islamic marriage certificate constituted a contract requiring him to pay \$50,000 to defendant ex-wife lacked merit, the court affirmed the judgment of divorce.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/041619/70246.pdf>

#### **Jones v DHHS**, Mich App (4/2019)

The court held that the ALJ violated petitioners' due process rights, and the DHHS's rules as to ALJ hearings, "by making critical factual findings on an incomplete record," which denied them the right to be heard as to whether they had timely appealed the denial of the adoption support subsidy.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/041619/70249.pdf>



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### Case Law Updates

#### **Bogue v Swinson**, Mich App (4/2019)

Rejecting defendant father's claim that the trial court's findings on several of the statutory best interest factors (c,d,e, & f) were against the great weight of the evidence, the court found no cause to reverse the custody determination.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/041619/70283.pdf>

#### **Rainwater v Rainwater**, Mich App (4/2019)

The court held that the trial court erred by finding that plaintiff ex-husband's motion to enforce the parties' judgment of divorce was untimely and frivolous and that it lacked the authority to consider the motion.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/041819/70301.pdf>

#### **Sloan v Sala**, Mich App (4/2019)

The court remanded for a new custody hearing, after which the trial court will make findings as to the child's established custodial environment, the child's best interests related to the grant of primary physical custody to defendant mother, and the child's best interests as to parenting time. The court committed clear legal error by failing to address whether there was an established custodial environment. It also did not "indicate what burden of proof it applied, so its failure to articulate findings as to the established custodial environment, whether the established custodial environment would change, and what standard of proof applied requires remand. The court further committed clear legal error by not expressly determining the child's best interests before awarding defendant primary physical custody.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/041819/70314.pdf>

#### **Hyman v Hyman**, Mich App (4/2019)

The court held that the trial court erred by failing to confirm the parties' arbitration award after it denied defendant ex-husband's motion to vacate it. On appeal, the court agreed with plaintiff ex-wife that the trial court erred by modifying the arbitration award as to child support, custody, and parenting time because defendant did not file a timely motion to modify or correct the award.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/041819/70319.pdf>

#### **Urka v Urka**, Mich App (4/2019)

The court held that the trial court did not err in imputing income of \$66,000 to defendant father for child support purposes, that its decision to deny his motion for reconsideration did not fall outside the range of reasonable and principled outcomes, and that any error in admitting a videotape was harmless.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/042319/70351.pdf>



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### Case Law Updates

#### **Sturos v Sturos**, Mich App (4/2019)

The court held that the trial court did not err by finding that joint legal custody was not practical here because of the parties' animosity and inability to cooperate in raising the children including evidence that testimony that each of the parents had called the police on the other, and their inability to collaborate on medical decisions to the extent that they were changing their child's medical appointments without letting the other parent know, their delay in obtaining medical treatment for their child after an accident, and their inability to agree on basic child rearing issues.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/042319/70355.pdf>

#### **Dennis v Tyler**, Mich App (4/2019)

Following remand to the trial court, the court rejected plaintiff ex-wife's claim that the trial court erred in its understanding of the legal implications of the court's prior decision, and found that it fulfilled its duty to comply with the court's mandate. The trial court was correct that if plaintiff wants to change the custody and parenting-time provisions in the judgment of divorce in light of the court's determination that defendant ex-husband was not an affiliated father, she must file a motion for modification in the trial court.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/043019/70405.pdf>

#### **Wagner v Rebbie**, Mich App (4/2019)

Holding that the trial court did not err in determining that plaintiff mother failed to allege sufficient facts to show proper cause or a change in circumstances to consider a change, or abuse its discretion in not seeking additional proofs, the court affirmed its order denying her motion to change legal custody. Significantly, the trial court concluded that there was nothing in plaintiff's motion that would change its previous determination of the best interest factors. The court concluded that it is not always necessary to hold an evidentiary hearing to determine the existence of proper cause or change of circumstances.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/043019/70408.pdf>

#### **Cheyne v Lemon**, Mich App (5/2019)

The court affirmed the trial court's order denying defendant father's motion for a change of custody and parenting time and retaining the child's primary physical custody with plaintiff mother.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/050219/70416.pdf>

#### **Jackson v Appling**, Mich App (5/2019)

The court held that the trial court did not err by adjourning plaintiff mother's motion for parenting time and requiring her to submit to a psychological evaluation before the trial court would address it where plaintiff had previously been involuntarily hospitalized due to mental illness rejecting plaintiff's argument that the trial court abused its discretion by failing to create a service plan in order to reasonably accommodate plaintiff's mental illness since no authority was cited by plaintiff or found by the court requiring such a duty regarding mentally ill parents in child custody and parenting time cases despite such requirements in termination of parental rights cases.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/050719/70441.pdf>



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### Case Law Updates

#### **Davis v Davis**, Mich App (5/2019)

The court did not believe that the trial court's parenting time decision resulted in a change to the established custodial environment. Also, the trial court's findings on the best interest factors were not against the great weight of the evidence concluding that the award was reasonably calculated to promote a strong relationship between the child and the plaintiff. Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/050719/70444.pdf>

#### **Kolar v Flikkie**, Mich App (5/2019)

Concluding that there was no basis on which to overturn the trial court's challenged factual findings as to the statutory best interest factors, the court held that the trial court did not abuse its discretion in denying plaintiff mother's motion for sole legal custody of the parties' child. It also found that she waived her argument that the trial court abused its discretion in only temporarily reducing defendant father's parenting time, given that her attorney suggested a temporary rather than permanent reduction. Further, she did not establish an abuse of discretion. Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/050919/70474.pdf>

#### **Taylor v Taylor**, Mich App (5/2019)

The court held that the trial court erred by denying defendant ex-husband's motion to revoke paternity of the last child born during the parties' marriage under ROPA. Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/050919/70475.pdf>

#### **Liang v Liang**, Mich App (5/2019)

Holding that parental immunity barred defendant Liang's five year old son's negligence based claims for injuries he suffered at Liang's business, but that the doctrine had no bearing on his premises liability claim against Liang's business, the court affirmed in part, reversed in part, and remanded. Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/051619/70514.pdf>

#### **Smith v Smith**, Mich App (5/2019)

The court held that the trial court erred in determining that a change in circumstances could not be considered for purposes of modifying spousal support. Also, in examining whether plaintiff ex-husband's retirement and decrease in his income qualified as a change in circumstances warranting a modification, the trial court should consider the principles that spousal support must be just and reasonable under the circumstances and should balance the incomes and needs of the parties in a way that will not impoverish either party. Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/051619/70515.pdf>



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### **Case Law Updates**

#### **Franzel v Franzel**, Mich App (5/2019)

Custody award vacated and remanded for further proceedings since the trial court was required to first determine whether defendant father asserted proper cause or showed a change in circumstances warranting review.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/051619/70547.pdf>

#### **Lueck v Lueck**, Mich App (5/2019) **PUBLISHED OPINION**

The trial court committed clear error as to its fact findings and erroneously applied the law to the facts. As a result, defendant ex-husband failed to meet his burden to establish that the facts warranted modification of his spousal support obligation such that the case was reversed and remanded to the trial court for reinstatement of the plaintiff's spousal support as provided for in the consent judgment of divorce.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/052119/70558.pdf>

#### **Eberbach v Massey**, Mich App (5/2019)

Determining that it had jurisdiction over defendant mother's appeal, the court rejected her contention that the challenged order modified the parenting time arrangements provided in a prior order concluding that the trial court applied the correct legal framework. Detecting no abuse of discretion or findings that were against the great weight of the evidence, the court affirmed the order.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/052119/70586.pdf>

#### **Shannon v. Ralston**, Mich App (5/2019)

In this child custody dispute, the court held that plaintiff mother did not have an appeal of right from the order that she pay the investigative GAL's fees as the record showed that the GAL, while incidentally an attorney, did not act as a L-GAL. Further, the trial court did not err in denying plaintiff's motion to vacate the arbitrator's opinion as to a change of domicile, and the court rejected her claim that the arbitrator had no basis for considering and deciding custody issues in light of the scope of the parties' arbitration agreement. Finally, the trial court did not err in denying her motions to disqualify the arbitrator because her allegations in support lacked a basis in fact.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/052319/70599.pdf>

#### **Payne v Payne**, Mich App (5/2019)

Rejecting plaintiff ex-wife's claim that the trial court erred in calculating her annual household expenses, and that the calculations gave defendant ex-husband a "double credit" for her pension income, the court affirmed the order modifying his obligation to pay her living expenses under their divorce settlement agreement. It also held that the trial court did not abuse its discretion in limiting the scope of discovery to his 2016 and 2017 income.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/052319/70608.pdf>



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### **Case Law Updates**

**Eubanks v Hendrix**, Mich App (5/2019)

The court held that plaintiff-mother was entitled to a trial on the remaining issues not resolved by the parties' agreement, and that the trial court erred in calculating defendant-father's income for child support purposes.

Find full text opinion at: <http://www.michbar.org/file/opinions/appeals/2019/052319/70612.pdf>