

**MINNESOTA LAWYER**  
**CHILD SUPPORT CASE SUMMARIES**  
**(September 2007)**

Issue Date	Relevant Sections	Case Citation and Summary	Synopsis
September 3, 2007	I.B.8 Discovery & Sanctions ; II.M.3 License Suspension; II.M.6 Attorney Fees/Costs/Service Fees	<u>Schneider vs. Schneider and County of Anoka, Intervenor</u> , (Unpub.), A06-1788, F & C, filed August 28, 2007 (Minn. App. 2007): In February 2006, Respondent was served with notice of hearing and intent to suspend drivers license. At February 2006 hearing, CSM temporarily denied the county's request pending an April 2006 review hearing. At the review hearing, county indicated that contrary to the order, Respondent's license had been suspended in error. CSM imposed fine of \$150 against the county to reimburse Respondent for reasonable costs incurred as a result of the county's wrongful suspension of the driver's license. District court affirmed. Court of Appeals reversed finding that "the record contains no evidence regarding costs incurred by Respondent as a result of the suspension of his driver's license and the incurrence of costs by Respondent was the stated reason for imposing the fine..." The Court did not address the county's argument that the district court did not have the inherent authority to impose the fine.	Record does not support imposing fine on county for erroneously suspending obligor's driver's license.
September 10, 2007	I.B.3 Stipulations; II.O.1 Substantial Change; II.S. Reservation of Child Support	<u>Stevermer vs. Stevermeyer</u> , (Unpub.), A07-594, F & C, filed September 4, 2007 (Minn. App. 2007): Dissolution of parties reserved child support from Wife to allow her to obtain additional education and establish employment. The timeframe for reservation (May 2004 to September 2008) exceeded the estimated length of time (1 year) Wife would need to complete her education and allowed time for her to establish employment. Husband argues Wife is now working, and based on the change in circumstances, child support should be established. Court of Appeals affirmed ruling that the district court properly denied Husband's motion to establish support and properly construed the agreement of the parties.	Where J&D reserved support obligation for specific unexpired period upon agreement of the parties, court did not abuse discretion in denying Husband's motion to establish support.
September 10, 2007	III.H.5 Custody & Visitation	<u>Stevermer vs. Stevermer</u> , (Unpub.), A07-669, F & C, filed September 4, 2007 (Minn. App. 2007): Wife's motion to modify custody and parenting time denied by district court. Dissolution of parties included provision whereby parties agreed to submit custody and parenting time issues to mediation. The Court of Appeals reversed district court's denial of Wife's motions, as the district court erred by	District court erred in not first enforcing mediation provision in J&D before ruling on motions. Prior OFP not a barrier to enforcing mediation provision in J&D.

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		failing to require the parties to first engage in mediation before motioning the court.. In addition, the Court of Appeals ruled that OFF issued 1 ½ years prior to dissolution is not a barrier to mediation because no OFFs have been issued since, and Wife/Appellant does not claim she or the child have suffered any physical or bodily harm, or that she fears for her or the child's safety.	
September 17, 2007	II.D.3. Obligor's Receipt of Government/Disability Benefits	<u>Schwagel, vs. Ward</u> , (Unpub.), A06-1812, F & C, filed September 11, 2007 (Minn. App. 2007): Appellant/obligor appeals from district court's orders establishing child support and denying his subsequent motion to modify child support. Appellant argues that district court improperly included his VA disability benefits in his income citing 38 U.S.C. §5301(a)(1) which states that disability payments 'shall not be liable to attachment, levy or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary'. Citing the U.S. Supreme Court decision, <i>Rose v. Rose</i> , 481 U.S. 619, 107 S.Ct. 2029 (1987), the Court of Appeals rejected this argument because 'Congress clearly intended veterans' disability benefits to be used, in part, for the support of veterans' dependents.' §[5301(a)(1)] does not extend to protect a veteran's disability benefits from seizure where the veteran invokes that provision to avoid an otherwise valid order of child support'. District court affirmed.	VA disability benefits are income available for child support.
September 17, 2007	II.O.2. Application of Guidelines	<u>Schwagel vs. Ward</u> , (Unpub.), A06-1812, F & C, filed September 11, 2007 (Minn. App. 2007): Changes to child support laws effective January 1, 2007, do not apply in this case because the parties filed their motions before January 1, 2007.	Guideline changes do not apply to child support motions filed prior to January 1, 2007.
September 17, 2007	IV.B. Maintenance; II.H. COLA	<u>Li-Kuehne vs. Kuehne</u> , (Unpub.), A07-807, F & C, filed September 11, 2007 (Minn. App. 2007): Appellant argues district court abused its discretion in including a COLA to a step reduction in his maintenance obligation. The J&D of the parties provided the court was without jurisdiction to modify maintenance during the period of March 1, 2003 to August 31, 2009. (Appellant was to pay \$12,500 per month from March 1, 2003 to August 31, 2006 and \$10,000 per month from September 1, 2006 to August 31, 2009). This court previously reversed and remanded the issue of the application of COLA to maintenance to the district court, holding that there is nothing	COLA applies to spousal maintenance even where J&D provides court is without jurisdiction to modify spousal maintenance award.

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		<p>in the record to support the district court's denial of COLA under any of the exceptions listed in Minn. Stat. §518.641. On remand, the district court held that the Court of Appeals did not limit the COLA to the first maintenance amount, and applied COLA to the step-down amount. Appellant argues the change in maintenance acts as a step decrease that already reflects a decrease in the cost of living. The Court of Appeals held that their prior decision regarding the COLA issue is <i>res judicata</i>, precluding re-litigation of the issue.</p>	
September 17, 2007	IV.D. Other	<p><u>Li-Kuehne vs. Kuehne</u>, (Unpub.), A07-807, F &amp; C, filed September 11, 2007 (Minn. App. 2007): Appellant argues district court abused its discretion in requiring him to pay private school tuition for the parties' child. J&amp;D requires appellant to be responsible for private school tuition until child completes 8<sup>th</sup> grade, and thereafter if the parties agree. J&amp;D is silent as to what happens if parties disagree. District court found continuing private school was in the best interests of the child and appellant has the financial ability to pay the additional tuition. The Court of Appeals held that the trial court had not abused its discretion and affirmed.</p>	<p>Court may order Appellant to continue paying child's private school tuition where it is in the child's best interests and the Appellant is found to have the financial ability to pay.</p>
September 17, 2007	IV.B. Maintenance	<p><u>Lewis vs. Lewis</u>, (Unpub.), A06-2236, F &amp; C, filed September 11, 2007 (Minn. App. 2007): Appellant wife appeals from district court order granting her temporary spousal maintenance. Appellant argues maintenance should be permanent as it is uncertain whether she will become self-supporting, and she did not receive substantial amounts of marital property. The Court of Appeals disagreed. Although appellant was a homemaker for most of the parties' 19 year marriage, she has an undergraduate degree and teaching license, as well as experience working as a teacher. Additionally, her ability to become self-supporting by 2009 is not dependant on her receipt of substantial amounts of marital property. Appellant may move to extend the temporary award if necessary in the future.</p>	<p>Temporary vs permanent spousal maintenance</p>

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September 17, 2007	IV.B. Maintenance	<u>Lewis, vs. Lewis</u> , (Unpub.), A06-2236, F & C, filed September 11, 2007 (Minn. App. 2007): Appellant argues that the district court abused its discretion by imposing an automatic step reduction in her spousal maintenance award and by imputing full time income to her starting in 2007. Because the parties agreed that appellant would not work full time until 2009, when youngest child graduates from high school, and the court found the parties' agreement reasonable, the district court abused its discretion. The Court of Appeals reversed the trial court's decision regarding an automatic step reduction.	Step reduction in spousal maintenance award reversed where parties' agreed appellant would not work full time until 2009.
September 17, 2007	II.D.6 Other Source of Income	<u>Lewis, vs. Lewis</u> , (Unpub.), A06-2236, F & C, filed September 11, 2007 (Minn. App. 2007): Respondent husband argued district court erred by including his call pay as income available for support because it is not a periodic or dependable source of income. The record shows that call pay has been regular and dependable in the past and supports the district court's decision to include average call pay as income. Court of Appeals affirmed.	On-call pay included in monthly income available for support where it has been regular and dependable.
September 17, 2007	II.F.2. Deductions from Income	<u>Lewis, vs. Lewis</u> , (Unpub.), A06-2236, F & C, filed September 11, 2007 (Minn. App. 2007): Respondent husband argues district court erred in concluding his pension plan is entirely employer-funded, and denying him a deduction for his contribution to an additional 401(k) when calculating his income. The record does not support the district court's conclusion. Reversed and remanded for determination of the provisions of the retirement plan, and whether respondent's income and ability to pay support should be reduced by a reasonable pension deduction.	Respondent may be eligible for deduction in income for reasonable contribution to pension.
September 17, 2007	II.P.2. Defenses /Set-offs/Satisfaction by Integration into NCP's Home	<u>Lewis vs. Lewis</u> , (Unpub.), A06-2236, F & C, filed September 11, 2007 (Minn. App. 2007): Respondent husband argues the district court abused its discretion by finding him in arrears by \$9,915.21 for his maintenance obligation. Record reflects respondent began making full support payments, as well as paying several bills appellant failed to pay, in order to preserve the marital property. Without seeking modification of the order, respondent deducted those payments from the support obligations owed under the order. Under these facts, respondent is entitled to a credit against his arrears.	Credit against arrears.

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September 17, 2007	II.J. Medical Support	<u>Lewis vs. Lewis</u> , (Unpub.), A06-2236, F & C, filed September 11, 2007 (Minn. App. 2007): Respondent husband challenges the district court's findings that appellant does not have the ability to contribute to any uninsured medical expenses for the minor children of the parties. Because the record supports the district's decision, the Court of Appeals affirmed.	Uninsured medical expenses contribution.
September 24, 2007	IV.A. Custody and Visitation	<u>Kinley, n/k/a Peck vs. Kinley</u> , (Unpub.), A06-865, F & C, filed September 4, 2007 (Minn. App. 2007): Appellant appeals from the district court's denial of his motion to amend a prior order. The prior order required appellant refrain from "discussing inappropriate religious stories whenever the children do not want to do so....". The object of the order is not to restrict appellant's first amendment rights, but rather intended to protect the respondent's sole legal right to determine the children's upbringing, including religious training. However, without sufficient findings in support of the restriction and by failing to place sufficient limits on the scope and duration of the restrictions, the order impermissibly burdens appellant's right to free exercise of religion.  Appellant also argues the district court's injunction prohibiting him from reading Bible stories is unconstitutional, and impedes on his 1 <sup>st</sup> amendment right of free speech. Protecting children from bitter disputes over religion is essential to their mental and emotional well-being and such protection has been legislatively created through Minn. Stat. 518.003, subd. 3(a). However, although the order serves a compelling interest, it is not narrowly tailored to fulfill that interest. On remand, the district court must make specific findings before placing limitations on appellant's communications with the children. The findings must indicate that appellant's conduct or speech: 1) threatens respondent's right to determine the children's upbringing; 2) poses risk of harm to the children; or 3) forces the children to take part in any religious practice that a) is intended to influence the religious thinking or beliefs of the children; b) is meant to criticize the children respondent's parenting on religious grounds, or c) is unwanted by the children. The limitations must be narrowly tailored. Reversed and remanded.	Constitutionality of restrictions on discussion of religion by parent without legal custody.



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September 25, 2007	II.O.1.	<p>In Re the Marriage of Conlin v. Conlin, A06-1978 (Unpub.), Filed September 25, 2007 (Minn. Ct. App. 2007): District court abused its discretion in failing to modify child support. The district court found that the obligor had a larger increase in income than obligee and therefore the prior order was not unreasonable or unfair. The Court of Appeals concluded that the substantial change in income for both parties along with the fact that obligor had been paying guidelines child support for 10 years despite the fact that the parties had joint custody warranted the modification based on a substantial change in circumstances. Reversed and remanded.</p>	<p>Modification is unreasonable and unfair when income increases, subsequent children are born and obligor had been paying guidelines support despite joint physical custody.</p>
October 2, 2007	II.O.1. I.B.3.	<p><u>In re the Marriage of Weeks v. Weeks</u>, (Unpub.), A06-2147, filed October 2, 2007 (Minn. App. 2007) Wright County: Appellant sought to modify child support after having stipulated to a child support amount lower than guidelines in the original dissolution. The court ruled the obligation was not unreasonable or unfair because, while the obligor formerly paid child support at a reduced rate due to a contribution to child care costs, the obligor currently paid TEFRA medical contribution instead of child care costs and the combined obligation was only slightly less than the guidelines support amount.</p>	<p>Where parties stipulate to a deviation in child support in J&amp;D, the order must be shown to be unreasonable and unfair to modify.</p>

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October 2, 2007	II.G.3.	<p><b>In re the Marriage of Weeks v. Weeks</b>, (Unpub.), A06-2147, filed October 2, 2007 (Minn. App. 2007) Wright County: The court ordered that confusing language in the dissolution be amended to indicate that the obligor's support obligations for the parties' minor child with disabilities, would only terminate if the child became self-supporting.</p>	Support terminates only when child becomes self-supporting
October 9, 2007	II.F.6. II.D.5.	<p><b>In re the Marriage of Viele v. Viele</b>, (Unpub.), A07-212, filed October 9, 2007 (Minn. App. 2007), Wright County: The trial court may impute income to an obligor based on any in-kind payments he receives that reduce living expenses and where the actual income of the obligor is difficult to calculate. However, despite evidence that showed the obligor actively tried to hide his actual income earned in order to qualify for public medical coverage and where the obligor received direct cash payments and also received payments from a family business paying his automobile insurance, gas, oil, repairs, and the monthly payments, the imputation of income will <i>not</i> stand where specific findings regarding calculation of income are not present in the order.</p>	In-kind benefits that reduce an obligor's cost of living expenses can be considered for the purposes of imputing income, but specific findings are necessary.
October 9, 2007	II.P.2.	<p><b>In re the Marriage of Viele v. Viele</b>, (Unpub.), A07-212, filed October 9, 2007 (Minn. App. 2007), Wright County: The court held that the district court was not required to apply an offset of monies paid for bills during the dissolution proceedings to support arrearages of the obligor. A calculation of an obligor's arrearages includes only the amounts that the obligor has failed to pay after being court ordered to do so.</p>	Arrears not required to be offset by bills paid prior to the support order.

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October 9, 2007	II.M.6.	<p><u>In re the Marriage of Viele v. Viele</u>, (Unpub.), A07-212, filed October 9, 2007 (Minn. App. 2007), Wright County: Where the district court made specific findings that the husband and his family actively avoided disclosure of financial information and made the proceedings protracted and difficult beyond that which is inherent in these matters, while also causing wife to incur substantial legal fees, the award of conduct-based attorney's fees will be upheld based on sufficient findings. Because the award was based on husband's conduct, consideration of wife's need was unnecessary.</p>	<p>Conduct based attorney's fees will be upheld where specific findings are made and regardless of need.</p>
October 30, 2007	II.G.4. II.A.1. II.O.13.	<p><u>In re the Marriage of Arneson v. Meggitt</u>, (Unpub.), A06-1437, Filed October 30, 2007 (Minn. App. 2007), Dakota County: The district court did not err when it extended the obligor's child support obligation one year beyond that which was stipulated to by the parties in their J&amp;D when the child of the parties had fallen behind in school due to behavioral and academic issues and his graduation date was subsequently delayed one year. Stipulated child support judgments are not contracts that bind the court, and the court may reset child support because of the important public policy favoring the nonbargainable interests of the child. <i>See Swanson v. Swanson</i>, 372 N.W.2d 420, 423 (Minn. App. 1985).</p>	<p>Court has broad discretion to modify child support even in the face of a stipulation when modification benefits the best interests of the child.</p>

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November 5, 2007	II.O.6.	<u>Arneson v. Meggitt</u> , (Unpub.), A06-1437, filed 10/30/07 (Minn. App. 2007): Following CSM's denial of NCP's motion to decrease, CP requested review by district court and extension of child support beyond date previously stipulated by parties, because child's high school graduation was delayed. District court approved extension and NCP appealed. Court of Appeals affirmed, holding child's best interests trump parties' prior stipulation, and citing <i>Tammen v. Tammen</i> and <i>Swanson v. Swanson</i> .	Extension of Support Contrary to Prior Stipulation
November 5, 2007	I.A.1.	<u>Arneson v. Meggitt</u> , (Unpub.), A06-1437, filed 10/30/07 (Minn. App. 2007): On review of CSM decision, NCP failed to ask district court to review CSM's denial of his motion to reduce support. NCP is therefore barred from appealing from the sufficiency of the district court's findings to support its decision upholding the CSM's decision on that issue.	No Appeal of Issue Not Raised in District Court on Review of CSM Decision
November 5, 2007	I.A.1.	<u>Arneson v. Meggitt</u> , (Unpub.), A06-1437, filed 10/30/07 (Minn. App. 2007): On review of CSM decision, CP failed to ask district court to review CSM's bifurcation of NCP's support payments into part payments and part arrears. Likewise, on appeal from decision of district court, CP failed to give notice of request to review the issue. CP was required to do both to raise the issue on appeal.	No Appeal of Issue Not Raised in District Court on Review of CSM Decision, nor of Issue Not Included in Notice of Appeal
November 26, 2007	II.D.7.	<u>In re the Marriage of: Erickson v Erickson</u> , (Unpub.), A06-2061, filed 11/20/07 (Minn. App. 2007): NCP moved to Duluth, to be nearer children, after losing high-paid employment in Colorado. NCP moved district court to reduce support. District court did not abuse discretion by deeming his move a "bona fide career	Bona Fide Career Change-- Move to be Near Children

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		change" and refusing to impute higher income available in other places.	
November 26, 2007	II.D.1.	<u>In re the Marriage of: Erickson v Erickson</u> , (Unpub.), A06-2061, filed 11/20/07 (Minn. App. 2007): District court reduced NCP's child support based on average income in 2005, but omitted consideration of increased income in 1 <sup>st</sup> quarter of 2006. Because NCP's income fluctuated, this was not an abuse of discretion.	Omission of Recent Income Not Abuse of Discretion
November 26, 2007	II.D.6.	<u>In re the Marriage of: Erickson v Erickson</u> , (Unpub.), A06-2061, filed 11/20/07 (Minn. App. 2007): In determining NCP's income, district court did not abuse discretion by disregarding NCP's bonus-earning potential, especially when the court required he pay a percentage of bonuses as additional support.	Omission of Bonus Potential Not Abuse of Discretion
November 26, 2007	IV.B.	<u>In re the Marriage of: Erickson v Erickson</u> , (Unpub.), A06-2061, filed 11/20/07 (Minn. App. 2007): District court did not abuse discretion when it reduced spousal maintenance based on former husband's decreased income and former wife's increased earning capacity.	Discretion to Reduce Maintenance Based on Substantial Change of Circumstances
November 26, 2007	II.O.9.	<u>In re the Marriage of: Erickson v Erickson</u> , (Unpub.), A06-2061, filed 11/20/07 (Minn. App. 2007): Court of Appeals remanded issue of "retroactive modification" of child support arrears to district court because \$5,900 credit granted by the district court, based on NCP's payment in that amount, exceeded the amount of child support arrears owed. Further, district court's refusal to reduce spousal maintenance arrears was inconsistent with decision to reduce child support arrears. [EDITOR'S NOTE: This is clearly an issue of <i>satisfaction</i> , not retroactive modification, because it is based upon obligor's payment and discharge of obligation, not based on change in ability to pay.]	"Retroactive Modification" Inconsistent with Arrears

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November 26, 2007	I.B.6.	<p><u>In re the Marriage of: Erickson v Erickson</u>, (Unpub.), A06-2061, filed 11/20/07 (Minn. App. 2007):  A pay increase that occurs after the district court has already made its order reducing child support, and, in this case, after the reduction has already been appealed, is a proper basis for a future motion to modify, but not a motion for new trial under Rule 60.02.</p>	Motion for New Trial Based on New Circumstances
		<b>TO PCC 1.7.08; REVISED BY PCC 1.20.08</b>	

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December 3, 2007	II.O.5.	<p><u>Robbins vs. Robbins, n/k/a Blowers</u>, (Unpub.), A06-2124, filed November 27, 2007 (Minn. App. 2007):</p> <p>The lower court did not err in relying upon credible testimony of the respondent in determining that the respondent's work hours decreased, even though respondent did not provide documentary support of that fact.</p>	Credible testimony sufficient to establish changed circumstance
December 3, 2007	II.O.9.	<p><u>Robbins vs. Robbins, n/k/a Blowers</u>, (Unpub.), A06-2124, filed November 27, 2007 (Minn. App. 2007):</p> <p>The district court acted within its discretion in forgiving child support arrears that accrued under a temporary order where the decision was well-reasoned, supported by facts, and intended as an offset against a reciprocal unpaid debt of the obligee. Dist. Crt. also did not err in failing to award retroactive child support back to the date of the parties' separation where the parties' situation was carefully weighed by the court, and the court made specific findings of obligor's limited means to pay retroactive support compared to obligee's stable financial situation.</p>	<p>Forgiveness of arrears permissible if supported by facts.</p> <p>Retroactive modification. (518.64 and 518A.39)</p>
December 10, 2007	II.F.6. II.F.3.	<p><u>Frank-Bretwisch vs. Ryan</u>, (Unpub.), A06-1864, filed December 4, 2007, (Minn. App. 2007):</p> <p>The lower court's denial to modify support required specific findings where the order sought to be modified was the result of a stipulation with a significant downward deviation in support, and where the court noted grave concerns regarding adequacy of the support at the time of the parties' original stipulation.</p>	Deviation from guidelines requires sufficient findings.

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December 17, 2007	II.O.10 II.O.13.	<u>Eben f/k/a Brouillette vs. Brouillette</u> , (Unpub.), A06-2181, filed December 11, 2007, (Minn. App. 2007): The CSM did not abuse its discretion by denying modification of the amount of child support arrears owed by appellant father to respondent mother where the only evidence appellant offered was his testimony, which the CSM did not find credible.	No error in denying motion to modify where only evidence offered was testimony not found credible.
December 17, 2007	I.D.10. II.D.2. III.F.1.	<u>Eben f/k/a Brouillette vs. Brouillette</u> , (Unpub.), A06-2181, filed December 11, 2007, (Minn. App. 2007): The CSM did not err in denying the submission of new evidence after the close of the record; the parties cannot submit new evidence after the close of the hearing unless requested by the CSM with written or oral notice to the parties.	No new evidence after close of record unless requested by CSM.
December 17, 2007	IV.D.	<u>Eben f/n/a Brouillette vs. Brouillette</u> , (Unpub.), A06-2181, filed December 11, 2007, (Minn. App. 2007): The doctrine of laches does not apply to collection of child support.	Laches does not apply to collection of child support.
December 17, 2007	I.B.6. I.H.	<u>H.T.S. vs. R.B.L.</u> , (Unpub.), A07-0561, filed December 11, 2007 (Minn. App. 2007): The decision whether to reopen the record based on a claim of surprise rests within the district court's discretion. Denial did not violate due process. Decision governed by caselaw and rules 60 and 59 of the Minn. R. Civ. Proc.	Claim of surprise. Failure to reopen record not a violation of due process.
December 24, 2007	I.D.10. II.D.2. III.F.1.	<u>Krznarich vs Freeman</u> , (Unpub.), A07-993, filed December 18, 2007 (Minn. App. 2007): The court did not err in denying appellant's motion to add to the record and submit new evidence in support of amended findings and a new trial. New evidence may be submitted only if it is material and could not have been found with reasonable diligence and produced at the original trial.	No new evidence after close of record unless requested by CSM.

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December 24, 2007	I.B.1. I.H.	<u>Krznarich vs Freeman</u> , (Unpub.), A07-993, filed December 18, 2007 (Minn. App. 2007): The fact that the judge did not read the motions filed by the parties until after the hearing did not deprive the parties of a fair hearing, and does not merit a new trial.	Due process not violated where judge did not read motions before the hearing.
December 24, 2007	II.F.6.	<u>Krznarich vs Freeman</u> , (Unpub.), A07-993, filed December 18, 2007 (Minn. App. 2007): The court appropriately considered appellant's ability to pay child support by taking into consideration her financial situation, respondent's financial situation, and Minn. Stat. §518.55 (2004).	Court considered appropriate factors in determining ability to pay.
December 24, 2007	IV.C.	<u>Hall vs. Hall</u> , (Unpub.), A07-116, filed December 18, 2007 (Minn. App. 2007): The court did not err in finding that "federal law presumptively awards the...tax exemptions to the custodial parent" and appellant "has not demonstrated...justification...to depart from the presumption". The district court's decision must be in the best interests of the child, and there is no error in this case.	Tax exemption allocation within trial court's discretion.
December 31, 2007	II.O.10.	<u>Weiss vs. Weiss</u> , (Unpub.), A06-2433, filed December 24, 2007 (Minn. App. 2007): The district court's failure to make findings as to appellant's current net monthly income did not constitute an abuse of discretion where appellant provided the court with insufficient information and respondent provided more credible information.	No error where court relied on credible testimony of respondent, and appellant provided insufficient documentation
December 31, 2007	II.D.1.	<u>Weiss vs. Weiss</u> , (Unpub.), A06-2433, filed December 24, 2007 (Minn. App. 2007): It was not unreasonable for the court to determine appellant's income based on an income-averaging method where appellant failed to put forth sufficient evidence of his net monthly income.	Income-averaging method appropriate where there is fluctuation in the industry and

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			insufficient evidence provided to the court.
December 31, 2007	II.O.1. II.D.6. II.F.2.	<u>Weiss vs. Weiss</u> , (Unpub.), A06-2433, filed December 24, 2007 (Minn. App. 2007): The court did not err in including appellant's overtime pay in calculating child support where the court found that prior calculations included the overtime pay and appellant failed to demonstrate a statutory exception applied.	Overtime may be included where included in establishing support and no change in circumstances has been shown.
December 31, 2007	IV.D. IV.B.	<u>Holmes v. Holmes</u> , (Unpub.), A06-1897, filed December 24, 2007 (Minn. App. 2007): The court did not err in requiring appellant to keep or obtain life insurance in an amount not less than his projected future child-support and spousal-maintenance obligations even though the issues of child support and maintenance were reserved, as the policy was already in effect and the court was merely requiring appellant to maintain the status quo established during the marriage.	No error in requiring life insurance policy remain in place even where child support & maintenance issues reserved.