

SUPREME COURT OF IOWA

Upon the Petition of DeAngelo Delonn Seay and Concerning Andrea Lynette Thomas

746 N.W.2d 833 (Iowa 2008) · No. No. 39 / 06-1353 · Decided April 4, 2008

SUMMARY

The Iowa Supreme Court held that Iowa Court Rule 9.14 requires use of the offset method to calculate child support in cases where the parties are awarded joint physical care, even when their residential time is not mathematically equal. The court vacated the court of appeals decision and district court judgment and remanded for recalculation of child support and reconsideration of medical expenses and tax-dependency allocations.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Appel, Justice
JURISDICTION	Iowa
DECIDED	April 4, 2008
DOCKET	No. 39 / 06-1353
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Seay sought further review of the Iowa Court of Appeals' decision affirming a district court child-support order in a joint-physical-care case. The Iowa Supreme Court vacated the Court of Appeals' decision, vacated the district court judgment, and remanded.
STANDARD OF REVIEW	Errors at law for interpretation of court rules governing child support.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	DeAngelo Delonn Seay v. Andrea Lynette Thomas

TOPICS

- child support
- family law procedure
- appellate procedure
- standard of review
- child custody

PRACTICE AREAS

- family law
- child support
- appellate procedure

QUESTIONS PRESENTED

1. Whether Iowa Court Rule 9.14 requires use of the offset method to calculate child support when a court awards joint physical care but one parent has somewhat more residential time than the other.
2. Whether the child-support amount calculated under the offset method may be varied from the guideline amount based on written findings that application of the guidelines would be unjust or inappropriate.
3. Whether the district court should reconsider medical-expense allocations and tax-dependent allocations because they were based on an erroneous interpretation of the child-support guidelines.
4. Whether Thomas was entitled to an award of appellate attorney fees.

HOLDINGS

1. Iowa Court Rule 9.14 applies whenever the district court awards joint physical care, even when the residential schedule is not mathematically equal.
2. The applicability of Iowa Court Rule 9.14 turns on whether the court awarded joint physical care, rather than on the number of residential days alone.
3. The child-support amount calculated under Rule 9.14 is presumptively valid but may be varied if the district court makes written findings that applying the guidelines would be unjust or inappropriate under the established criteria.
4. On remand, the district court must reconsider the medical-support provisions and the allocation of the children as tax dependents because those provisions were based on the erroneous child-support calculation.
5. Thomas was not awarded appellate attorney fees.

KEY QUOTATIONS

“We hold that under our rules, child support in all joint physical care cases should be decided using the offset method provided in Iowa Court Rule 9.14.” (746 N.W.2d at 834)

“For the above reasons, we hold that because the district court awarded joint physical care, Iowa Court Rule 9.14 is applicable.” (746 N.W.2d at 838)

“The amount of child support calculated pursuant to the rules is not cast in stone.” (746 N.W.2d at 838)

FACTUAL BACKGROUND

Seay and Thomas, who were never married, had three children and agreed to joint legal custody but disputed physical care and child support. The district court awarded joint physical care, with the children residing with Seay for 158 days and Thomas for 206 days annually. The court calculated Seay's support obligation under the ordinary child-support guidelines, reduced the amount for extraordinary visitation, and ordered Seay to pay Thomas \$248 per month.

PROCEDURAL HISTORY

The Iowa District Court for Lee County awarded the parties joint physical care of their three children but calculated Seay's child-support obligation under the ordinary guidelines and reduced it by twenty-five percent for extraordinary visitation. The Court of Appeals affirmed and dismissed Thomas's cross-appeal as untimely. The Supreme Court of Iowa granted Seay's petition for further review and held that the offset method under Iowa Court Rule 9.14 applied.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must recalculate child support using the offset method required by Iowa Court Rule 9.14; determine whether any departure is justified under Iowa Court Rule 9.11 and the statutory criteria; reconsider the medical-support provisions; and reconsider the allocation of the children as tax dependents in light of the joint-physical-care arrangement and the children's interests.

CASES CITED

- In re Marriage of McCurnin, 681 N.W.2d 322, 327 (Iowa 2004)
- In re Marriage of Fox, 559 N.W.2d 26, 27, 29 (Iowa 1997)
- Nolte v. Mehrens, 648 N.W.2d 727, 730 (Minn. Ct. App. 2002)
- In re Marriage of Hansen, 733 N.W.2d 683, 691 (Iowa 2007)
- In re Marriage of Hynick, 727 N.W.2d 575, 579 (Iowa 2007)
- Janney v. Janney, 943 So. 2d 396, 399-400 (La. Ct. App. 2006)
- In re Marriage of Okland, 699 N.W.2d 260, 268-270 (Iowa 2005)
- In re Marriage of Rolek, 555 N.W.2d 675, 679 (Iowa 1996)