

# SUPREME JUDICIAL COURT OF MAINE

## Eric A. Teele v. Lisa West-Harper

2017 ME 196 (2017) · No. Lin-16-547 · Decided September 19, 2017

### SUMMARY

The Maine Supreme Judicial Court affirmed the denial of Eric A. Teele’s request for reimbursement of child support paid during a period later covered by retroactive Social Security dependent benefits received by his children. The court held that Maine’s dependent-benefit credit statute requires the credit to be established in the child support order applicable to the relevant period and that the amended order could be retroactive only to the date notice of the modification motion was served.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Judicial Court of Maine                                                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Hjelm, J.; Saufley, C.J.; Alexander, J.; Mead, J.; Gorman, J.; Jabar, J.; Humphrey, J.                                                                                                                                                                                   |
| JURISDICTION          | Maine                                                                                                                                                                                                                                                                    |
| DECIDED               | September 19, 2017                                                                                                                                                                                                                                                       |
| DOCKET                | Lin-16-547                                                                                                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Teele appealed from a District Court judgment granting his motion to modify child support but denying his request for reimbursement or credit for child support paid during a period covered by retroactive Social Security dependent benefits.                          |
| STANDARD OF REVIEW    | The interpretation and application of a statute are reviewed de novo. The court looks first to the plain meaning of the statutory language to give effect to legislative intent and considers extrinsic indicia of legislative intent only if the language is ambiguous. |
| PRECEDENTIAL VALUE    | published and precedential                                                                                                                                                                                                                                               |
| PARTIES               | Eric A. Teele v. Lisa West-Harper                                                                                                                                                                                                                                        |

### TOPICS

child support statutory interpretation appellate procedure standard of review family law procedure

## PRACTICE AREAS

family law

child support

statutory interpretation

appellate procedure

## QUESTIONS PRESENTED

1. Whether 19-A M.R.S. § 2107 authorized a credit or reimbursement against child support payments made under an existing support order when the children later received retroactive Social Security dependent benefits and the original order did not authorize such a credit.
2. Whether 19-A M.R.S. § 2009(2) permitted the amended child support order and its dependent-benefit credit to operate retroactively to the beginning of Teele's disability period rather than only to the date notice of the motion to modify was served.

## HOLDINGS

1. Section 2107 permits a credit for dependent benefits only when the applicable child support order expressly establishes the support obligation and includes the required findings that the child receives dependent benefits and that those benefits satisfy part or all of the obligation. Because the 2008 order contained no such finding, the court lacked statutory authority to credit or reimburse Teele for support paid while that order was in effect.
2. Under 19-A M.R.S. § 2009(2), the amended child support order could be made retroactive only to May 13, 2016, the date Teele served his motion to modify on West-Harper. It could not reach back to October 2014, when the disability-related benefit period began.

## KEY QUOTATIONS

*“In this way, a credit for dependent benefits can only be established in the same order that creates the child support obligation to which that credit applies.”* (¶ 12)

*“Section 2107 therefore does not relieve the obligor of the responsibility to pay child support. It merely controls how that obligation is to be fulfilled.”* (¶ 17)

## FACTUAL BACKGROUND

The parties were divorced in March 2008, with West-Harper receiving primary residence of their two minor children and Teele ordered to pay child support. Teele applied for disability benefits in approximately September 2014 but continued making support payments while the application was pending. After the application was approved, the Social Security Administration paid each child \$6,190 in retroactive dependent benefits covering October 2014 through February 2016, during which West-Harper had also received Teele's support payments. Teele sought a credit or reimbursement for the overlapping payments, but the original support order did not contain the statutory findings authorizing a dependent-benefit credit.

## PROCEDURAL HISTORY

The parties were divorced in 2008, and Teele was ordered to pay child support. After the Social Security Administration awarded Teele disability benefits and paid the children retroactive dependent benefits for a period during which Teele had continued paying support, Teele moved to modify the support order and sought

reimbursement. The Wiscasset District Court modified his prospective support obligation and allowed credits under the amended order, but limited retroactivity to the date he served the motion to modify and denied reimbursement for earlier payments. The Maine Supreme Judicial Court affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Verite v. Verite, 2016 ME 164, ¶ 9, 151 A.3d 1
- Walker v. Walker, 2005 ME 21, ¶ 11, 868 A.2d 887
- Wong v. Hawk, 2012 ME 125, ¶ 8, 55 A.3d 425
- Rowland v. Kingman, 629 A.2d 613, 615 n.1 (Me. 1993)
- Cyr v. Cyr, 432 A.2d 793, 797-98 (Me. 1981)
- Norris v. State, 541 A.2d 926, 929-30 (Me. 1988)
- In re D.P., 2013 ME 40, ¶¶ 16-17, 65 A.3d 1216
- Brochu v. McLeod, 2016 ME 146, ¶ 17, 148 A.3d 1220
- Cloutier v. Turner, 2012 ME 4, ¶ 9, 34 A.3d 1146
- Walsh v. Cusack, 2008 ME 74, ¶ 7, 946 A.2d 414
- Wood v. Wood, 407 A.2d 282, 287-88 (Me. 1979)
- Young v. Young, 2009 ME 54, ¶ 13, 973 A.2d 765
- Roberts v. Roberts, 1997 ME 138, ¶ 9, 697 A.2d 62
- Dostanko v. Dostanko, 2013 ME 47, ¶ 11, 65 A.3d 1271
- Bartlett v. Anderson, 2005 ME 10, ¶ 18, 866 A.2d 829
- Lund v. Lund, 2007 ME 98, ¶ 22, 927 A.2d 1185
- Beck v. Beck, Beck v. Beck, 1999 ME 110, ¶ 8 n.4, 733 A.2d 981