

SUPREME COURT OF INDIANA

Grant v. Hager

868 N.E.2d 801 (Ind. 2007) · No. No. 82S01-0706-CV-254 · Decided June 27, 2007

SUMMARY

The Indiana Supreme Court held that the Indiana Child Support Guidelines create a rebuttable presumption that a custodial parent does not owe child support to a noncustodial parent when shared parenting time and income calculations produce that result. However, a trial court may deviate from the presumption and order such payments if it finds that applying the guideline amount would be unjust and makes the written findings required by Indiana Child Support Rule 3. The court reversed and remanded because the trial court had not made the required findings.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Justice Sullivan; Chief Justice Shepard; Justice Boehm; Justice Dickson; Justice Rucker
JURISDICTION	Indiana
DECIDED	June 27, 2007
DOCKET	No. 82S01-0706-CV-254
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On petition to transfer from the Indiana Court of Appeals, which had reversed the trial court's order requiring the custodial parent to pay child support to the noncustodial parent.
STANDARD OF REVIEW	The Supreme Court reviewed the interpretation and application of the Indiana Child Support Guidelines and Rules following transfer; the opinion does not state a separately labeled standard of review.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential.
PARTIES	Tina N. Grant v. Gregory M. Hager

TOPICS

- child support
- family law procedure
- appellate procedure
- dissolution of marriage

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Indiana Child Support Guidelines authorize a custodial parent to pay child support to a noncustodial parent when application of the Parenting Time Credit produces a negative obligation for the noncustodial parent.
2. Whether a trial court may order such a payment by deviating from the guideline presumption under Indiana Child Support Rules 2 and 3.
3. Whether the trial court's order could stand when the court did not make the written findings required to support a deviation from the guideline amount.

HOLDINGS

1. The Indiana Child Support Guidelines do not authorize the payment of child support from a custodial parent to a noncustodial parent. Under the guideline calculation in these circumstances, there is a rebuttable presumption that neither party owes support to the other.
2. A trial court has authority to order a custodial parent to pay child support to a noncustodial parent if it finds that applying the guideline amount would be unjust and makes the written findings required by Indiana Child Support Rule 3.
3. The trial court's order could not stand because the court did not make the written findings required for a deviation and apparently believed that the Guidelines themselves authorized the custodial-parent payment.

KEY QUOTATIONS

“We hold that there is a rebuttable presumption that a custodial parent is not required to make child support payments under these circumstances but that a trial court has authority to deviate from that presumption in accordance with the Indiana Child Support Rules and Guidelines.” (802)

“As such, there is a rebuttable presumption that neither party owes the other support under their respective current incomes and their shared parenting time arrangement.” (803)

“Given this deviation authority, a court could order a custodial parent to pay child support to a non-custodial parent based on their respective incomes and parenting time arrangements if the court had concluded that it would be unjust not to do so and the court had made the written finding mandated by Child. Supp. R. 3.” (804)

FACTUAL BACKGROUND

Tina Grant and Gregory Hager's marriage was dissolved in April 2003, with joint legal custody of their two children and Grant receiving primary physical custody. Hager initially paid \$108 per week in child support, but after approximately 156 annual overnights with the children and payment of \$55 per week in child-related health insurance premiums, the guideline calculation produced credits exceeding his income-based support obligation.

The trial court therefore ordered Grant, whose income was substantially greater than Hager's, to pay Hager \$92 per week.

PROCEDURAL HISTORY

Following dissolution of the parties' marriage, the trial court modified child support and ordered primary custodial parent Tina Grant to pay Gregory Hager, the noncustodial parent, \$92 per week. The Indiana Court of Appeals reversed and directed that neither party owe the other support. The Indiana Supreme Court granted transfer, reversed the trial court's judgment, and remanded for reconsideration under the Indiana Child Support Rules and Guidelines.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the dissolution trial court for reconsideration under the principles announced in the opinion, including determining whether deviation from the guideline presumption is justified and, if so, making the written findings required by Indiana Child Support Rule 3.

CASES CITED

- Grant v. Hager, 853 N.E.2d 167, 173-175 (Ind. Ct. App. 2006)
- Tebbe v. Tebbe, 815 N.E.2d 180, 183-184 (Ind. Ct. App. 2004)