

SUPREME COURT OF MISSISSIPPI

Chesney v. Chesney

910 So. 2d 1057 (Miss. 2005) · No. No. 2004-CA-01685-SCT · Decided September 8, 2005

SUMMARY

The Supreme Court of Mississippi affirmed a child support award that exceeded the statutory guidelines. The court held that the chancellor made sufficient findings to justify the deviation and did not abuse her discretion by requiring the father to pay monthly support and a share of private-school, extracurricular, and automobile-related expenses.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Graves, Justice, for the Court; Cobb, P.J.; Carlson, J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	September 8, 2005
DOCKET	No. 2004-CA-01685-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a chancery-court judgment entered on remand affirming a child-support award that departed from Mississippi's statutory guidelines.
STANDARD OF REVIEW	A child-support award is reviewed for manifest error in factual findings or manifest abuse of discretion; factual findings are reversed only when the record contains no credible evidence supporting them. Conclusions of law are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Mitchell Lamar Chesney v. Cynthia Ann Chesney

TOPICS

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

PRACTICE AREAS

- family law
- child support
- appellate procedure

QUESTIONS PRESENTED

1. Whether the chancellor made sufficiently specific findings supported by an evidentiary record to rebut the statutory presumption that Mississippi's child-support guidelines supplied the appropriate award.
2. Whether the child-support award, including contributions toward private school, extracurricular activities, and a vehicle, was excessive and constituted an abuse of discretion.

HOLDINGS

1. The chancellor made sufficient factual findings, supported by the evidentiary record, to rebut the presumption that the statutory child-support guideline was the appropriate measure of support.
2. The \$530 monthly award and the additional obligations for private school, extracurricular activities, and a vehicle were not so excessive as to constitute an abuse of the chancellor's discretion.

KEY QUOTATIONS

"A chancellor has discretion in awarding child support, and this Court will not reverse the award "unless the chancellor was manifestly wrong in his finding of fact or manifestly abused his discretion."" (910 So. 2d at 1060)

"Though an automobile is not an expense which every parent can provide to his/her child, it is not an abuse of a chancellor's discretion to require a parent to purchase a vehicle where warranted by the circumstances in a particular case." (910 So. 2d at 1065)

FACTUAL BACKGROUND

Mitchell and Cynthia Chesney divorced after having three daughters; only Aimee remained a minor when the remand judgment was entered. The chancellor found that Mitchell had sufficient income to maintain his standard of living while contributing more support, while Cynthia lacked the capacity to support herself and Aimee at the standard of living previously enjoyed by the older daughters. The chancellor ordered \$530 per month in support and required Mitchell to contribute to private-school expenses, extracurricular activities, and a comparable automobile for Aimee when she obtained a driver's license.

PROCEDURAL HISTORY

The parties were divorced in the Chancery Court of Lauderdale County, which adjudicated child support, equitable distribution, alimony, and attorney's fees. The Court of Appeals reversed and remanded for further proceedings concerning child support; the Mississippi Supreme Court affirmed that remand but reversed the Court of Appeals regarding attorney's fees. On remand, the chancellor made written findings without holding a new hearing and reaffirmed an enhanced child-support award. Mitchell Chesney appealed that judgment to the Mississippi Supreme Court.

DISPOSITION

affirmed

CASES CITED

- Clausel v. Clausel, 714 So. 2d 265 (Miss. 1998)
- Hensarling v. Hensarling, 824 So. 2d 583 (Miss. 2002)
- Southerland v. Southerland, 875 So. 2d 204 (Miss. 2004)
- McEachern v. McEachern, 605 So. 2d 809 (Miss. 1992)
- Southerland v. Southerland, 816 So. 2d 1004 (Miss. 2002)
- Cupit v. Cupit, 559 So. 2d 1035 (Miss. 1990)
- Crow v. Crow, 622 So. 2d 1226 (Miss. 1993)
- Chesney v. Chesney, 828 So. 2d 219 (Miss. Ct. App. 2002)
- Chesney v. Chesney, 849 So. 2d 860 (Miss. 2002)