

SUPREME JUDICIAL COURT OF MAINE

Donna P. Lawrence v. Darren D. Webber

2006 ME 36 (Supreme Judicial Court of Maine 2006) · Decided April 5, 2006

SUMMARY

The Supreme Judicial Court of Maine reviewed the calculation of child support for three children with differing residential-care arrangements. The court held that the magistrate improperly used household child counts rather than the total number of children when calculating the basic support entitlement, while requiring separate calculations for the children receiving substantially equal care and the daughter in the mother's primary care. The judgment was vacated and remanded for recalculation.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Silver, J.; Saufley, C.J.; Clifford, J.; Dana, J.; Alexander, J.; Calkins, J.; Levy, J.
JURISDICTION	Maine
DECIDED	April 5, 2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Darren D. Webber appealed from a District Court judgment adopting a family law magistrate's child-support order.
STANDARD OF REVIEW	Child-support determinations are reviewed for abuse of discretion, with substantial deference to the trial court; violation of a positive rule of law constitutes an abuse of discretion. Questions of statutory interpretation are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Darren D. Webber v. Donna P. Lawrence

TOPICS

[child support](#) [statutory interpretation](#) [appellate procedure](#) [family law procedure](#) [standard of review](#)

PRACTICE AREAS

[family law](#) [child support](#) [statutory interpretation](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the Child Support Guidelines required the court to use the total number of children for whom support was being determined when calculating the basic support entitlement.
2. Whether the statutory alternate calculation for substantially equal care applied to the parties' two sons even though their daughter was primarily in Lawrence's care.
3. Whether Webber's challenge to the calculation was properly raised on appeal rather than through a request for deviation from the support guidelines.

HOLDINGS

1. The court must use the total number of children for whom support is being determined when calculating the basic support entitlement, unless the specific statutory exception for the residential configuration described in section 2006(5)(E) applies.
2. When parents provide substantially equal care for some children but not others, the court must apply the section 2006(5)(D-1) calculation to the children receiving substantially equal care and calculate support for the other children separately.
3. A challenge asserting that the court misapplied the Child Support Guidelines is properly presented on appeal; a request for deviation under section 2007(3)(A) is not the exclusive remedy when the party claims that the statutory calculation itself was erroneous.

KEY QUOTATIONS

“Whenever the parties provide substantially equal care for a single child, or for multiple children, support for each child within that category must be determined according to section 2006(5)(D-1).” (894 A.2d at 483)

“Section 2006(5)(E) represents an exception to the rule, and there is no indication that the Legislature intended that exception to be applied other than in the residential configuration described in that subsection.” (894 A.2d at 484)

“Because each of the worksheets, on the facts of this case, require the father to pay the mother, the amount of child support calculated from the supplemental worksheet is added to his child support obligation from the third worksheet to establish the father's final child support obligation.” (894 A.2d at 485)

FACTUAL BACKGROUND

Lawrence and Webber were divorced in 1996 and have three children. Their divorce agreement provided for equal sharing of parental rights and responsibilities and imposed no child support obligation. After later modification proceedings, the magistrate found that Webber had an estimated income of \$48,000 and Lawrence had an estimated earning capacity of \$17,000; their daughter resided primarily with Lawrence, while their two sons received substantially equal care from both parents. The magistrate calculated support separately using the number of children in each household and ordered Webber to pay \$280.24 per week.

PROCEDURAL HISTORY

After the parties' divorce judgment was modified following cross-motions concerning parental rights and responsibilities, the family law magistrate ordered Webber to pay Lawrence \$280.24 per week in child support. Webber objected, arguing that the Child Support Guidelines had been misapplied. The District Court remanded for further calculations, adopted the magistrate's unchanged order, and Webber appealed. The Supreme Judicial Court of Maine vacated the judgment and remanded for recalculation.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the judgment and remand to the District Court to recalculate child support consistently with the opinion. The recalculation should use three worksheets: one for the sons using three children in the family, a supplemental worksheet for the sons under section 2006(5)(D-1), and one for the daughter based on three children; the applicable obligations should then be combined.

CASES CITED

- Sylvester v. Vitagliano, 2002 ME 141, ¶¶ 9-10, 804 A.2d 391, 393-94
- Dargie v. Dargie, 2001 ME 127, ¶ 23, 778 A.2d 353, 358
- Robinson v. Robinson, 2000 ME 101, ¶ 13, 751 A.2d 457, 460
- Webb v. Webb, 2005 ME 91, ¶ 4, 878 A.2d 522, 524
- Ashe v. Enterprise Rent-A-Car, 2003 ME 147, ¶ 7, 838 A.2d 1157, 1159