

SUPREME COURT OF VERMONT

LaMothe v. LeBlanc

2015 VT 78, 199 Vt. 448 (2015) · No. 2014-227 · Decided June 12, 2015

SUMMARY

The Vermont Supreme Court affirmed a family-court decision concerning child support, derivative Social Security Disability Insurance benefits, and a deviation from the child-support guidelines. The court held that the father was entitled to credit for the lump-sum derivative benefit only to the extent of his existing court-ordered obligation for the child’s dental expenses, upheld the refusal to impute income to the mother, and approved the deviation resulting in no ongoing child-support obligation for either party.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Reiber, C.J.; Dooley, J.; Skoglund, J.; Robinson, J.; Eaton, J.
JURISDICTION	Vermont
DECIDED	June 12, 2015
DOCKET	2014-227
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed the family division's decision affirming the magistrate's child-support determinations on remand from the Supreme Court of Vermont's prior decision.
STANDARD OF REVIEW	The Court reviewed the record before the magistrate, deferred to the magistrate's factual findings, affirmed if the legal conclusions were supported by the findings, and reviewed the family court's legal conclusions de novo.
PRECEDENTIAL VALUE	Published, precedential opinion
PARTIES	Christopher LeBlanc v. Christine LaMothe

TOPICS

- child support
- family law procedure
- appellate procedure
- standard of review
- harmless error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether father was entitled to a credit for the entire \$4,370 lump-sum derivative SSDI benefit rather than only the amount corresponding to his existing obligation for the child's dental expenses.
2. Whether the magistrate erred by declining to find that mother was voluntarily underemployed and by refusing to impute income to her.
3. Whether the magistrate properly deviated from the child-support guidelines so that neither party was required to pay child support.
4. Whether any errors in the magistrate's child-support guideline calculations required reversal despite the deviation ruling.

HOLDINGS

1. Father was entitled to credit from the lump-sum derivative SSDI benefit only to the extent of his existing court-ordered obligation during the period covered by the benefit; he was not entitled to reimbursement of the excess.
2. The magistrate properly declined to impute income to mother because the record supported the finding that she was not voluntarily underemployed.
3. The magistrate properly deviated from the child-support guidelines and ordered that neither party pay child support because applying the guideline amount would be unfair under the circumstances.
4. Any alleged errors in the guideline calculations were harmless because the court upheld the independent deviation ruling that it would be unfair to require mother to pay child support.

KEY QUOTATIONS

“If we were to require mother to reimburse father for the full lump-sum derivative benefit beyond his support obligation for the period covered by the lump-sum benefit, we would, in effect, be retroactively modifying the child-support award, in violation of § 660(e).” (¶ 9)

“To rebut this presumption and deviate from the guideline amount when calculating an order of support, the court must determine that application of the guidelines would be unfair to the child or any of the parties.” (¶ 12)

FACTUAL BACKGROUND

The parties share custody of their son. After father was disabled in a motor vehicle accident, mother received a \$4,370 lump-sum derivative SSDI benefit for the child, covering a twenty-three-month period, as well as ongoing monthly derivative benefits. During the relevant period, there was no child-support obligation between the parties, although father had an obligation to pay one-half of the child's dental expenses. Mother had limited income and employment history, while father had access to substantially greater household resources and a higher standard of living.

PROCEDURAL HISTORY

The parties' parentage action originally resulted in child-support orders based on stipulations. After father became disabled and mother received a lump-sum derivative SSDI benefit for the child, father sought credits, imputation of income to mother, and child support. In the prior appeal, the Supreme Court remanded for consideration of mother's deviation request and application of the lump sum to father's share of dental expenses. On remand, the magistrate declined to impute income, deviated from the guidelines so that neither party owed ongoing support, and credited father \$2,890 for dental expenses; the family division affirmed, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- LaMothe v. LeBlanc, 2013 VT 21, 193 Vt. 399, 70 A.3d 977
- Tetreault v. Coon, 167 Vt. 396, 708 A.2d 571 (1998)
- Coyle v. Coyle, 2007 VT 21, 181 Vt. 583, 925 A.2d 996 (mem.)
- Louko v. McDonald, 2011 VT 33, 189 Vt. 426, 22 A.3d 433
- Rathbone v. Corse, 2015 VT 73