

SUPREME COURT OF OHIO

Blakemore v. Blakemore

5 Ohio St. 3d 217 (Ohio 1983) · Decided July 6, 1983

SUMMARY

The Ohio Supreme Court held that a trial court did not abuse its discretion by terminating sustenance alimony after finding changed circumstances, including the recipient’s employment, assets, and income. The court emphasized that employment does not automatically eliminate the need for alimony, but may be considered with all relevant circumstances. The court reversed the appellate judgment and also stated that an interest rate above the statutory rate on alimony arrearages was contrary to law.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Sweeney, J.; Celebrezze, C.J.; Patton, J.; Locher, J.; Holmes, J.; C. Brown, J.; Koehler, J.
JURISDICTION	Ohio
DECIDED	July 6, 1983
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a court of appeals decision that reinstated sustenance alimony payments terminated by the trial court and imposed a fifteen percent interest rate on alimony arrearages.
STANDARD OF REVIEW	A trial court's decision concerning the termination or modification of sustenance alimony may not be disturbed absent an abuse of discretion. Abuse of discretion means more than an error of law or judgment; it implies an unreasonable, arbitrary, or unconscionable attitude.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Ohio.

TOPICS

- alimony
- spousal support
- standard of review
- appellate procedure
- family law procedure

PRACTICE AREAS

- family law
- alimony
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by terminating the appellee's sustenance alimony after finding changed circumstances.
2. Whether the court of appeals properly substituted its judgment for that of the trial court when reversing the alimony termination.
3. Whether the court of appeals could impose a fifteen percent interest rate on alimony arrearages when the governing statute allowed eight percent.

HOLDINGS

1. The trial court did not abuse its discretion in terminating sustenance alimony after finding changed circumstances demonstrating that the appellee's income and assets exceeded her needs.
2. Gainful employment is a factor that may and should be considered in an alimony modification or termination proceeding, but employment does not automatically eliminate the need for sustenance alimony.
3. The court of appeals erred as a matter of law by imposing a fifteen percent interest rate on alimony arrearages; the applicable statute allowed interest at eight percent per annum and no more.

KEY QUOTATIONS

“The term ‘abuse of discretion’ was defined by this court in State v. Adams (1980), 62 Ohio St. 2d 151, 157 [16 O.O.3d 169]: ‘The term ‘abuse of discretion’ connotes more than an error of law or judgment; it implies that the court’s attitude is unreasonable, arbitrary or unconscionable.’” (at 219)

“However, it is a factor which could and should be considered in a modification or termination proceeding.” (at 220)

“Similarly, we find it ill-advised to set down a per se rule concerning spousal employment with respect to an alimony modification proceeding.” (at 220)

“Taking into account the totality of circumstances as contained in the record, along with the findings of fact and conclusions of law set forth by the trial judge, we hold that the trial judge did not abuse its discretion in terminating the alimony payments in the modification proceeding below.” (at 220)

“Given this explicit language, the court of appeals erred as a matter of law in setting an interest rate above the statutory allowance.” (at 221)

FACTUAL BACKGROUND

The appellee's circumstances had materially improved since the divorce. She had obtained employment paying approximately \$11,500 annually with medical insurance and a pension, sold the marital home at a profit and purchased another home without mortgage or encumbrances, loaned a friend \$2,100, held approximately \$47,000 in bank accounts, and received more than \$7,000 annually in net parking-lot rents. The trial court found that her income, excluding alimony, exceeded her needs, in contrast to her condition at divorce when she was unemployed and experiencing mental and emotional difficulties.

PROCEDURAL HISTORY

The trial court terminated the appellee's sustenance alimony after finding changed circumstances and concluding that her income and assets exceeded her needs. The court of appeals reinstated the payments and imposed a fifteen percent interest rate on alimony arrearages. The Supreme Court of Ohio reversed, holding that the trial court had not abused its discretion and that the interest rate exceeded the statutory allowance.

DISPOSITION

reversed

CASES CITED

- Wolfe v. Wolfe, 46 Ohio St. 2d 399 (1976)
- Cherry v. Cherry, 66 Ohio St. 2d 348 (1981)
- Berish v. Berish, 69 Ohio St. 2d 318 (1982)
- Koegel v. Koegel, 69 Ohio St. 2d 355 (1982)
- Dennison v. Dennison, 165 Ohio St. 146 (1956)
- State v. Adams, 62 Ohio St. 2d 151 (1980)
- Steiner v. Custer, 137 Ohio St. 448 (1940)
- Conner v. Conner, 170 Ohio St. 85 (1959)
- Chester Township v. Geauga Co. Budget Comm., 48 Ohio St. 2d 372 (1976)