

SUPREME COURT OF GEORGIA

Coppedge v. Coppedge

298 Ga. 494 (2016) · No. S15A1450 · Decided February 22, 2016

SUMMARY

The Supreme Court of Georgia affirmed in part and reversed in part an order denying a father's petition to modify custody and visitation and holding him in contempt of a divorce decree. The court held that the decree was ambiguous regarding the father's obligation to pay for after-school and summer care provided by a babysitter rather than St. Luke School, so the contempt finding based on reduced payments was improper. The court affirmed the contempt finding for denying the mother's court-ordered visitation, upheld the denial of visitation modification, and rejected the father's due process claims.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Chief Justice; All the Justices
JURISDICTION	Georgia
DECIDED	February 22, 2016
DOCKET	S15A1450
DISPOSITION	reversed_in_part
PROCEDURAL POSTURE	Husband appealed from a trial court order denying his petition to modify child custody and visitation and holding him in contempt of the final divorce decree.
STANDARD OF REVIEW	A contempt ruling is reviewed for abuse of discretion and will be affirmed if there is any evidence supporting it. A decision on modification of custody or visitation is reviewed for clear abuse of discretion and will be upheld if any evidence supports the ruling. The interpretation of a settlement agreement incorporated into a divorce decree is governed by general contract-construction principles.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential
PARTIES	Bradley Coppedge v. Catherine Coppedge

TOPICS

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child custody

visitation

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the divorce decree clearly and definitely required husband to pay a proportional share of after-school and summer child-care expenses provided by an in-home babysitter after the children stopped attending St. Luke.
2. Whether the trial court properly held husband in contempt for reducing his child-support payments after the children stopped attending St. Luke's care programs.
3. Whether the trial court abused its discretion by holding husband in contempt for denying wife court-ordered visitation.
4. Whether the trial court clearly abused its discretion by denying husband's petition to modify visitation.
5. Whether the delay in entering the final order and the trial court's handling of husband's motions for reconsideration violated procedural due process.

HOLDINGS

1. The decree was ambiguous concerning whether husband's obligation to pay a proportional share of after-school and summer care extended to care provided by someone other than St. Luke.
2. The trial court abused its discretion by holding husband in contempt for reducing his child-support payments after wife withdrew the children from St. Luke's after-school and summer programs.
3. The trial court properly held husband in contempt for taking the children out of town on wife's birthday and thereby denying her court-ordered custodial time.
4. The trial court did not clearly abuse its discretion by denying husband's request to modify visitation.
5. The eight-month delay between the hearing and entry of the final order, and the trial court's handling of husband's motions for reconsideration, did not violate procedural due process.

KEY QUOTATIONS

"A person may not be held in contempt of a court order unless that order informed him in definite terms of duties imposed upon him." (Part 1)

"A careful review of the language of the decree proves it is capable of more than one reasonable interpretation." (Part 1)

"Neither the federal nor the state constitution's due process right guarantees a particular form or method of procedure, but is satisfied if a party has 'reasonable notice and opportunity to be heard, and to present [its] claim or defense, due regard being had to the nature of the proceedings and the character of the rights which may be affected by it. [Cits.]'" (Part 4)

FACTUAL BACKGROUND

The parties divorced in December 2006, and their decree incorporated a settlement agreement requiring husband to pay \$2,000 per month in child support. The decree stated that the support payment included husband's proportional shares of the children's private-school education and their after-school and summer care at St. Luke School, and contained an adjustment provision addressing changes in expenses associated with St. Luke. In 2010, wife removed the children from St. Luke's care programs and hired an in-home babysitter; husband reduced his support payments by the amount he would have paid for St. Luke care. Husband also took the children out of town on wife's birthday, denying her court-ordered visitation.

PROCEDURAL HISTORY

The parties' 2006 divorce decree incorporated their settlement agreement and required husband to pay child support, including specified amounts related to the children's private-school after-school and summer care. After wife replaced the St. Luke care programs with an in-home babysitter, husband reduced his child-support payments by the amount he would have paid for the St. Luke programs. Wife counterclaimed for contempt, and the trial court held husband in contempt for underpaying support and for denying wife court-ordered visitation while denying his modification petition. The Supreme Court of Georgia affirmed in part and reversed in part.

DISPOSITION

reversed_in_part

REMAND INSTRUCTIONS

The opinion does not state separate remand instructions. The trial court's order was affirmed in part and reversed in part, with the reversal concerning the contempt finding based on husband's reduced child-support payments.

CASES CITED

- Hall v. Day, 273 Ga. 838, 839-840(1), 546 S.E.2d 469 (2001)
- Archer Western Contractors, Ltd. v. Estate of Mack Pitts, 292 Ga. 219, 224, 735 S.E.2d 772 (2012)
- Warren v. State, 294 Ga. 589, 590-591, 755 S.E.2d 171 (2014)
- Anderson v. Anderson, 274 Ga. 224, 227, 552 S.E.2d 801 (2001)
- Morgan v. Morgan, 288 Ga. 417, 419(1), 704 S.E.2d 764 (2011)
- Farris v. Farris, 285 Ga. 331, 333(1), 676 S.E.2d 212 (2009)
- Arnold v. Arnold, 236 Ga. 594, 595, 225 S.E.2d 30 (1976)
- Roca Properties, LLC v. Dance Hotlanta, Inc., 327 Ga. App. 700, 707-708, 761 S.E.2d 105 (2014)
- Horn v. Shepherd, 292 Ga. 14(4), 732 S.E.2d 427 (2012)
- Vines v. Vines, 292 Ga. 550, 552(2), 739 S.E.2d 374 (2013)
- Urquhart v. Urquhart, 272 Ga. 548, 549(1), 533 S.E.2d 80 (2000)
- Wilkinson v. Austin, 545 U.S. 209, 224(IV), 125 S.Ct. 2384, 162 L.Ed.2d 174 (2005)
- Cobb County School Dist. v. Barker, 271 Ga. 35, 37, 518 S.E.2d 126 (1999)

- Duggan v. Duggan-Schlitz, 246 Ga. App. 127, 128, 539 S.E.2d 840 (2000)
- Shore v. Shore, 253 Ga. 183, 184, 318 S.E.2d 57 (1984)

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