

SUPREME JUDICIAL COURT OF MAINE

Pettinelli v. Yost, 2007 ME 121

930 A.2d 1074 (Me. 2007) · Decided August 28, 2007

SUMMARY

The Maine Supreme Judicial Court reviewed a modification of spousal and child support following a divorce. The court held that the trial court abused its discretion by relying on the short duration of the marriage, a factor known at the time of divorce, to substantially reevaluate and terminate the parties' agreed general spousal support arrangement. The judgment was vacated and remanded for reconsideration based on the substantial change in circumstances standard.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Silver, J.; Saufley, C.J.; Alexander, J.; Calkins, J.; Mead, J.
JURISDICTION	Maine
DECIDED	August 28, 2007
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from an order modifying a divorce judgment and reducing the appellee's spousal-support obligation.
STANDARD OF REVIEW	Modifications of spousal support are reviewed for abuse of discretion. The review asks whether factual findings are supported by the record under the clear-error standard, whether the court understood the applicable law, and whether its weighing of the facts and choices fell within the bounds of reasonableness.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Marla L. Pettinelli v. Richard W. Yost, III

TOPICS

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

PRACTICE AREAS

- family law
- spousal support
- appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court abused its discretion by relying on the short duration of the marriage, a circumstance existing at the time of the divorce, when modifying the spousal-support award.
2. Whether the District Court improperly reevaluated the basis of the original general-support award rather than limiting its inquiry to a substantial post-divorce change in circumstances.
3. What relief was appropriate on remand if a substantial change in circumstances warranted some reduction in spousal support.

HOLDINGS

1. A court abuses its discretion when it relies on circumstances that existed at the time of the divorce, such as the short duration of the marriage, to justify modifying a spousal-support award; modification must be based on a substantial post-divorce change in circumstances affecting the payor's ability to pay and the payee's need.
2. The District Court abused its discretion by replacing the parties' general-support award with a small, nonmodifiable transitional-support award terminating after seven months without sufficient justification tied to the substantial changes in earning potential and assets.

KEY QUOTATIONS

“Post-judgment proceedings provide no invitation to reopen and relitigate a divorce judgment or settlement agreement based on one party's second thoughts about whether he or she negotiated a good deal in the first place.” (1079)

“Because a party must demonstrate a substantial change in circumstances, post-divorce, to warrant a modification of the spousal support obligation, it was an abuse of discretion to rely on the short duration of the marriage to justify vacating the award of general spousal support.” (1079)

FACTUAL BACKGROUND

Pettinelli and Yost married in 1997, had two minor children, and divorced in March 2002 under a judgment incorporating their settlement agreement. The agreement provided for general spousal support beginning at \$625 per month and later increasing to \$1,625 per month, along with child support. By the modification hearing, Yost's income had decreased from at least \$85,000 to approximately \$51,000 annually, while Pettinelli, primarily a stay-at-home mother, earned approximately \$12,000 annually and was imputed an earning capacity of \$16,000. The District Court relied in part on the short duration of the marriage and replaced the general-support obligation with \$400 per month in transitional support ending after seven months.

PROCEDURAL HISTORY

The parties' 2002 divorce judgment incorporated a settlement agreement requiring Yost to pay general spousal support and child support. Yost moved to modify the judgment based on alleged substantial changes in his financial circumstances. After an interim magistrate hearing and a de novo hearing in the District Court, the court reduced spousal support to \$400 per month for seven months and reduced child support. Pettinelli's motion for further findings was denied, and she appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The trial court must reevaluate the motion to modify based on proper consideration of the relevant factors. If modification is warranted by a substantial change in circumstances, any downward adjustment should reflect the substantial changes in earning potential and assets. If Yost cannot currently pay spousal support, the court should consider awarding nominal spousal support.

CASES CITED

- Spencer v. Spencer, 1998 ME 252, ¶ 5, 720 A.2d 1159, 1161
- In re Jamara R., 2005 ME 45, ¶ 17, 870 A.2d 112, 117
- State v. Weinschenk, 2005 ME 28, ¶ 9, 868 A.2d 200, 205
- Osier v. Osier, 410 A.2d 1027, 1029-31 (Me. 1980)
- State v. Svay, 2003 ME 93, ¶ 11, 828 A.2d 790, 794
- Ketchum v. Ketchum, 1998 ME 62, ¶ 3, 707 A.2d 803, 804
- Haag v. Haag, 609 A.2d 1164, 1165 (Me. 1992)
- Spencer v. Spencer, 1998 ME 252, ¶ 11, 720 A.2d 1159, 1162