

SUPREME COURT OF MISSISSIPPI

Mari Lynn Hays (Alexander) and Lon Frederick Alexander, II, by and through his conservator, Mari Lynn Hays v. Lon Frederick Alexander

Alexander v. Alexander · No. No. 2011-CA-01890-SCT · Decided June 29, 2011

SUMMARY

The Mississippi Supreme Court affirmed the chancery court's denial of requests to require a former spouse to provide post-majority financial support for an adult disabled child, including through increased alimony, continued child support, or payments into a conservatorship. The Court held that neither Mississippi common law nor applicable statutes provided courts with authority to impose such a support obligation under the circumstances presented. The opinion discusses emancipation, parental support duties, and the separation of powers.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Presiding Justice; Waller, C.J.; Randolph, P.J.; Lamar, J.; Pierce, J.; Coleman, J.; King, J.; Dickinson, P.J.; Kitchens, J.; Chandler, J.
JURISDICTION	Mississippi
DECIDED	June 29, 2011
DOCKET	No. 2011-CA-01890-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Hinds County Chancery Court's denial of requests to modify alimony and child support and to require post-majority support payments into a conservatorship for an adult disabled child.
STANDARD OF REVIEW	A chancery court decision in a domestic-relations case will be reversed if the court applied an erroneous legal standard or reached a manifestly wrong or clearly erroneous decision.
PRECEDENTIAL VALUE	published, precedential Mississippi Supreme Court opinion
PARTIES	Mari Lynn Hays (Alexander), Lon Frederick Alexander, II, by and through his conservator, Mari Lynn Hays v. Lon Frederick Alexander

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the chancery court erred by refusing to increase Lon's alimony obligation.
2. Whether the chancery court erred by refusing to increase or continue child-support payments after Rick reached the age of majority.
3. Whether the chancery court could require Lon to make support payments into a conservatorship for Rick after Rick attained majority.
4. Whether a motion for modification or contempt is a permissible procedure for seeking post-majority support for an adult disabled child.

HOLDINGS

1. Under the facts presented, neither Mississippi common law nor statutory law gives Mississippi courts authority to require a parent to provide financial support for an adult child after the child reaches majority.
2. A motion for modification or contempt brought by one divorced parent against the other is not a permissible proceeding to obtain post-majority support for an adult child.
3. The child-support obligation did not continue beyond Rick's minority because the judgment required payments for the support and maintenance of the minor child, and Mississippi law terminates the parental duty of support upon emancipation.
4. The chancery court properly declined to increase alimony or require Lon to deposit money into a conservatorship to support Rick.

KEY QUOTATIONS

“Although Taylor – in dicta, as it was not an issue to be decided – suggested a procedure for an adult child to seek post-majority support, Taylor clearly did not establish a substantive right” (§11)

“The power to grant the authority to require parents in Mississippi to support their adult children financially is confided to a separate magistracy: the Legislature.” (§15)

“We conclude that the chancery court properly declined to require Lon to support Rick financially via support payments, by depositing money into a conservatorship, or by making alimony payments to Mari Lynn.” (§16)

FACTUAL BACKGROUND

Mari Lynn and Lon divorced in 2002, and their agreement required Lon to pay monthly child support while Rick was a minor, share medical expenses, pay specified college expenses, and pay alimony to Mari Lynn. Rick

suffered from serious medical conditions and was an adult by the time Mari Lynn sought increased alimony, continued child support, and payments into a conservatorship. The chancery court ordered payment of certain college expenses and past-due alimony but denied post-majority support relief.

PROCEDURAL HISTORY

After the parties' divorce judgment incorporated their agreement concerning alimony, child support, medical expenses, and education expenses, Mari Lynn sought modification and contempt relief based on alleged arrearages and Rick's medical conditions. The chancery court awarded past-due alimony and certain college expenses but declined to find Lon in contempt, increase alimony or child support, or order post-majority support through a conservatorship. The Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Williams v. Williams, 37 So. 3d 1171, 1173-74 (Miss. 2010)
- Taylor v. Taylor, 478 So. 2d 310, 312-13 (Miss. 1985)
- Wright v. Coleman, 137 Miss. 699, 102 So. 774, 776-77 (1925)
- Rawlings v. Rawlings, 83 So. 146, 147 (Miss. 1919)
- Watkins v. Watkins, 337 So. 2d 723, 724-25 (Miss. 1976)
- Rennie v. Rennie, 718 So. 2d 1091, 1093-94 (Miss. 1998)
- Burt v. Burt, 841 So. 2d 108, 111-12 (Miss. 2001)
- Caldwell v. Caldwell, 579 So. 2d 543, 549 (Miss. 1991)
- Falco Lime, Inc. v. Mayor and Aldermen of Vicksburg, 836 So. 2d 711, 725 (Miss. 2002)
- Harrison County Commercial Lot, LLC v. H Gordon Myrick, Inc., 107 So. 3d 943, 959 (Miss. 2013)
- Koltay v. Koltay, 667 P.2d 1374, 1376 (Colo. 1983)
- Streb v. Streb, 774 P.2d 798, 800 (Alaska 1989)
- Riggs v. Riggs, 578 S.E.2d 3, 5 (S.C. 2003)
- Kruvant v. Kruvant, 241 A.2d 259, 266 (N.J. Super. Ct. App. Div. 1968)
- City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 441 (1985)
- Mathews v. Lucas, 427 U.S. 495, 504 (1976)

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