

DISTRICT OF COLUMBIA COURT OF APPEALS

Brown v. Hines-Williams

2 A.3d 1077 (D.C. 2010) · No. 09-FM-120 · Decided August 26, 2010

SUMMARY

The District of Columbia Court of Appeals affirmed a retroactive child-support judgment against Juan F. Brown. The court held that the trial court retained jurisdiction over the pending support proceeding despite the parties' relocation and that military Basic Allowance for Housing and Basic Allowance for Subsistence properly constituted income for calculating child support.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Belson, Senior Judge; Kramer, Associate Judge; Nebeker, Senior Judge
JURISDICTION	District of Columbia
DECIDED	August 26, 2010
DOCKET	09-FM-120
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brown appealed the Superior Court's January 2009 judgment ordering him to pay \$9,795 in retroactive child support. He challenged the trial court's subject-matter jurisdiction and the inclusion of military Basic Allowance for Housing and Basic Allowance for Subsistence in his income for child-support purposes.
STANDARD OF REVIEW	The opinion does not expressly state a single standard of review. Subject-matter jurisdiction was reviewed as a legal issue, and the court reviewed the statutory child-support income question de novo; the denial of forum non conveniens relief was subject to abuse-of-discretion review.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Juan F. Brown v. Julia Hines-Williams

TOPICS

- child support
- family law procedure
- appellate procedure
- statutory interpretation
- military law

PRACTICE AREAS

family law

child support

military law

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the Superior Court retained subject-matter jurisdiction to determine permanent current and retroactive child support after the parties and child allegedly moved out of the District of Columbia.
2. Whether the jurisdictional limitations in the Uniform Interstate Family Support Act, as codified in D.C. Code § 46-302.05(a), applied to the pending initial determination of permanent support rather than merely to modification of an existing support order.
3. Whether a military service member's Basic Allowance for Housing and Basic Allowance for Subsistence constitute income for purposes of calculating child support under D.C. Code § 16-916.01.
4. Whether BAH was excludable as income received by or on behalf of another child under D.C. Code § 16-916.01(d)(7).

HOLDINGS

1. The Superior Court retained subject-matter jurisdiction because jurisdiction is determined when the action is filed, and the support issues remained part of an ongoing proceeding initiated while the parties and child were in the District.
2. D.C. Code § 46-302.05(a) and UIFSA § 205(a) did not deprive the Superior Court of jurisdiction because Hines sought an initial permanent support order, not modification of an existing support order.
3. Military Basic Allowance for Housing and Basic Allowance for Subsistence are properly included in the obligor's gross income when calculating child support.
4. BAH was not excludable under § 16-916.01(d)(7) because it was received by Brown on his own behalf rather than by or on behalf of a child.

KEY QUOTATIONS

"We affirm, holding that the trial court had jurisdiction of the matter and that the allowances were properly included as income." (2 A.3d at 1077)

"A court does not lose power to decide a pending action merely because the parties, resident in the jurisdiction at the initiation of the action, move elsewhere." (2 A.3d at 1082)

FACTUAL BACKGROUND

Brown, an Air Force service member, received tax-free Basic Allowance for Housing and Basic Allowance for Subsistence. Brown and Hines agreed in 2001 that Hines would have custody of their son and Brown would pay \$400 per month in support. After custody and support proceedings began, the Superior Court ordered current support and later determined that BAH and BAS constituted income for calculating support, resulting in a \$9,795 retroactive-support judgment for September 2005 through July 2007.

PROCEDURAL HISTORY

Brown and Hines initiated custody and support-related proceedings in the Superior Court in 2005, and the matters were consolidated. The Superior Court awarded Hines sole legal and physical custody in 2006, later entered a temporary current-support order, denied Brown's motions to dismiss for lack of jurisdiction and forum non conveniens, and in January 2009 entered retroactive child support based on income that included BAH and BAS. The District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Arnold v. District of Columbia, 211 F. Supp. 2d 144, 146 (D.D.C. 2002)
- Rosa v. Resolution Trust Corp., 938 F.2d 383, 392 n.12 (3d Cir. 1991)
- In re D.H., 666 A.2d 462, 478 n.26 (D.C. 1995)
- DeGroot v. DeGroot, 939 A.2d 664, 667, 674 (D.C. 2008)
- Lacek v. Washington Hospital Center, 978 A.2d 1194, 1197-98 (D.C. 2009)
- Rolinski v. Lewis, 828 A.2d 739, 749-50 (D.C. 2003)
- Cobbe v. Cobbe, 163 A.2d 333, 336 (D.C. 1960)
- Louisiana Department of Social Services ex rel. D.F. v. L.T., Jr., 934 So. 2d 687, 690-91 (La. 2006)
- Massey v. Evans, 68 A.D.3d 79, 886 N.Y.S.2d 280, 284 (N.Y. App. Div. 2009)
- Nebraska ex rel. Hopkins v. Batt, 253 Neb. 852, 573 N.W.2d 425, 435 (Neb. 1998)
- Hautala v. Hautala, 417 N.W.2d 879, 881 (S.D. 1988)
- Peterson v. Peterson, 98 N.M. 744, 652 P.2d 1195, 1198-99 (N.M. 1982)
- Hees v. Hees, 82 P.3d 107, 110 (Okla. Civ. App. 2003)