

SUPREME COURT OF THE STATE OF MONTANA

Boechler v. St. Clair-Vorce

2010 MT 173N (2010) · No. DA 10-0008 · Decided August 9, 2010

SUMMARY

The Montana Supreme Court affirmed the District Court’s denial of Dan Conrad Boechler’s motions to increase child support, impose late fees, and obtain an accounting of assets allegedly belonging to the parties’ son. The Court held that the inheritance-related claims belonged in a separate action outside the dissolution proceeding and concluded that the District Court did not abuse its discretion. The memorandum decision was designated noncitable under the Montana Supreme Court’s Internal Operating Rules.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Patricia O. Cotter; Patricia O. Cotter; Mike McGrath; W. William Leaphart; Brian Morris; James C. Nelson
JURISDICTION	Montana
DECIDED	August 9, 2010
DOCKET	DA 10-0008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dan Conrad Boechler appealed the District Court's denial of his motions to increase child support, obtain late fees, and obtain an accounting of assets allegedly belonging to the parties' son.
STANDARD OF REVIEW	A district court's decision to modify child support is reviewed for abuse of discretion. Conclusions of law in the dissolution context are reviewed for correctness.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	Dan Conrad Boechler v. Nelda Ann St. Clair-Vorce

TOPICS

- child support
- family law procedure
- appellate procedure
- trusts
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District Court erred in denying Boechler's request for an accounting of assets allegedly held by St. Clair-Vorce for the benefit of their son.
2. Whether the District Court erred in denying Boechler's motion to increase child support.
3. Whether the District Court erred in denying Boechler's request for late fees or contempt-related relief based on alleged untimely child-support payments.

HOLDINGS

1. The District Court did not err in refusing to adjudicate the alleged inheritance and accounting claims in the post-dissolution proceeding; those property-inheritance issues belonged in a separate action outside the dissolution proceeding.
2. The District Court did not abuse its discretion in denying Boechler's motion to increase child support.
3. The District Court did not err in denying late fees and related relief because the parties' course of dealing reflected an agreement concerning the timing and amount of payments, and St. Clair-Vorce had paid her fair share and often more than required.

KEY QUOTATIONS

“the following memorandum decision shall not be cited as precedent” (§ 1)

FACTUAL BACKGROUND

Dan Boechler and Nelda Ann St. Clair-Vorce's marriage was dissolved in 1997, and Boechler became the custodial parent of their son, while St. Clair-Vorce paid child support. The parties gradually increased the support amount by agreement, reaching \$975 per month in February 2008, with payments made twice monthly through payroll withholding and resulting in two extra half-payments each year. Boechler also claimed that assets inherited from St. Clair-Vorce's father, including a truck, riding lawnmower, and Wyoming real property, had been left for their son and sought an accounting. The District Court found no merit in the late-fee and increased-support claims and concluded that the inheritance issues were outside the dissolution court's jurisdiction.

PROCEDURAL HISTORY

The marriage was dissolved in the Thirteenth Judicial District Court in 1997. After post-dissolution proceedings concerning child support, alleged late payments, and inherited assets, the District Court denied Boechler's motions and concluded that the inheritance issues belonged in a separate action. Boechler appealed, and the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Marriage of Williams, 2009 MT 282, ¶ 14, 352 Mont. 198, 217 P.3d 67

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