

FILED
SUPERIOR COURT
OF GUAM

2018 JUN 11 PM 12:42

CLERK OF COURT

By: 

IN THE SUPERIOR COURT OF GUAM

DARIUS A. RICHARDSON,)	DOMESTIC CASE NO. DM0361-01
)	
Plaintiff)	
)	
vs.)	DECISION AND ORDER
)	RE PLAINTIFF'S MOTION FOR
JEAN L. RICHARDSON,)	CONTEMPT RE CHILD SUPPORT
)	
Defendant.)	
_____)	

This matter came before the Court for an evidentiary hearing on June 1, 2018 and for closing arguments on June 4, 2018 on the Plaintiff's Motion for an Evidentiary Hearing on the Amended Order to Show Cause Why Jean Richardson Should Not be Held in Contempt of Court. Present were the Plaintiff with his counsel, Daniel J. Berman, and Defendant, pro se.

On April 20, 2018, the Court issued its Amended Order to Show Cause Why Jean Richardson Should Not Be Held in Contempt of Court for Willfully not Paying any Child Support since the Parties' Minor Child was in Plaintiff's Sole Custody. On May 22, 2018 Jean Richardson was personally served the OSC at the Guam International Airport.

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ORIGINAL

BACKGROUND

On March 10, 2016, Plaintiff's Motion for Approval of Additional Set-Off on Child Support and Modification of Child Support Order was filed. Plaintiff requested credit for payments made of \$18,031.22. Defendant opposed. Plaintiff replied.

On June 3, 2016, Plaintiff's Motion and Memorandum for Modification and/or Reconsideration Re: Order of May 31, 2016 was filed. Plaintiff requested again credit for payments as child support and modification of the child support monthly payment.

On June 23, 2016 the minor child G.R. changed physical custody from her mother to her father.

On July 19, 2016 Plaintiff's Second Motion and Memorandum for Modification was filed. Plaintiff again requested for modification and credit for payments made to Defendant. Plaintiff requested that Defendant pay child support to Plaintiff in the amount of \$629 per month or whatever amount was appropriate pursuant to the Child Support Guidelines.

On or about August 30, 2016 Defendant served her Resubmission of Objection and Replies.

No payments for child support were made by G.R.'s mother to her father after June 23, 2016.

On May 31, 2018 the Court issued a Decision and Orders that established child support due and owing from Jean to Darius in the amount of \$636 per month from July 2016 until May 2018 or 23 months. The total amount due is \$14,628.

ANALYSIS

An evidentiary hearing was held on June 1, 2018. The Defendant did not present any proof of payment of child support. She argued that the Court erred in its calculation of monthly child support. She argued that the child's private school tuition and expenses at St. John's School should have been excluded and that child support should have ended on the minor's 18th birthday. Finally, she pointed the Court to its order of October 14, 2014 which held that she had a credit for child support previously paid in the amount of \$12,045.

The incomes of the parties were not disputed and are law of the case. The methodology for calculating child support is law of the case. Private school expenses were included in the calculation of child support the children's father paid to mother while she had custody. The length of time child support payments were due extended until the child's high school graduation.

Mother's claim of credit for child support previously paid is well taken. Thus, mother's arrears for the time father had custody of Garcel are \$2,583.

CONCLUSION

1. The Defendant is not found in contempt of court for non-payment of child support as she had a substantial credit for an earlier overpayment and although mistaken, believed a stay of her obligation was in effect.

2. Defendant owes Plaintiff \$2,583 for child support


arrears accruing during 2018.

3. Pursuant to the Order of this Court of May 31, 2018 Defendant owes Plaintiff \$13,670.86 for overpayments he made for child support.

4. The total amount that Defendant owes Plaintiff is \$16,253.86.


Judgment shall so enter. Plaintiff shall submit a proposed judgment to the court.

SO ORDERED June 11, 2018.


KATHERINE A. MARAMAN, JUDGE
Superior Court of Guam

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6-11-18 Time: 1:00 PM
James R.C. James
Superior Court of Guam