STATE OF MICHIGAN

COURT OF APPEALS

JENNIFER E. MARION, Plaintiff-Appellee,	UNPUBLISHED February 24, 1998
v	No. 132916 Oakland Circuit Court
DAVID J. MARION, Defendant-Appellant.	LC No. 87-337639-DM AFTER REMAND

Before: Doctoroff, P.J., and McDonald and Giovan,* JJ.

PER CURIAM.

Defendant appeals as of right from the September 4, 1990 judgment of divorce. This Court previously issued an opinion in this matter affirming the lower court's judgment with regard to all but two of the issues defendant raised on appeal. *Marion v Marion*, unpublished opinion per curiam of the Court of Appeals, issued May 19, 1995 (Docket No. 132916). We remanded to the trial court for modification of the judgment of divorce to require defendant to pay alimony until September 1995, and for additional findings of fact with regard to child support. Specifically, this Court's opinion ordered the preparation of a report from the Friend of the Court pursuant to MCL 552.505(e); MSA 25.176(5)(e), and for a determination of the appropriate child support award in accordance with MCL 552.16(2); MSA 25.96(2). On remand, the Oakland County Friend of the Court referee issued an opinion recommending that defendant pay plaintiff $377 per week for the support of three minor children. When the eldest child reached the age of 18 years, if it occurred during the time that alimony was still payable, the child support would be reduced to $301 for the two remaining children. If alimony were no longer payable, the child support for the two remaining children would be $325. The trial court adopted the referee's recommendation in an order dated March 12, 1997. We affirm.

MCL 552.16(2); MSA 25.96(2) provides that a court must calculate child support by application of the child support manual developed by the state friend of the court bureau. *Eddie v Eddie*, 201 Mich App 509, 511; 506 NW2d 591 (1993). The court may deviate from the formula if it determines from the facts that its application would be unjust or inappropriate. *Id.* at 513. If the court determines that deviation is warranted, it must specify in writing or on the record the manner of deviation

* Circuit judge, sitting on the Court of Appeals by assignment.

and the reasons for doing so. *Id.* The party appealing from the child support order bears the burden of showing clear abuse of discretion. *Good v Armstrong*, 218 Mich App 1, 4; 554 NW2d 14 (1996). A trial court's findings of fact are reviewed under the clearly erroneous standard, but a court's ultimate disposition is subject to review de novo. *Id.* This Court will reverse a trial court's decision only when it is convinced it would have reached a different result. *Id.*

This Court has reviewed the Friend of the Court Referee's Opinion and Recommendation, which the trial court adopted, and finds that it conforms to the Michigan Child Support Guideline Manual in effect in 1990, when the judgment of divorce was entered. Defendant argues that the trial court erred in adopting the Friend of the Court recommendation because it did not consider the parties' income for the years 1991 through 1997. Defendant argues that plaintiff's income increased during this time, and defendant's expenses had increased as a result of changes in his health insurance coverage. Defendant also argues that he is entitled to child support credits on the basis of plaintiff's alleged mismanagement of real estate awarded to defendant in the property settlement provision of the judgment of divorce. A trial court may modify a child support order upon a showing of a change of circumstances justifying modification. *Good, supra* at 4. Modification of a child support order is within the discretion of the trial court. *Id.*

After reviewing the lower court record on remand, we find no evidence supporting defendant's claim of changed circumstances. Furthermore, retroactive modification of child support for periods prior to the date the obligor gives notice of a petition for modification is prohibited by MCL 552.603; MSA 25.164(3). *Waple v Waple*, 179 Mich App 673, 675; 446 NW2d 536 (1989). Finally, an increase in the custodial parent's income is not, by itself, sufficient grounds to justify reduction in the child support obligation. *Orlowsky v Orlowsky*, 174 Mich App 637, 641; 36 NW2d 419 (1989). Therefore, we find that the trial court did not abuse its discretion in adopting the Friend of the Court Referee's recommendation of child support.

Affirmed.

/s/ Martin M. Doctoroff
/s/ Gary R. McDonald
/s/ William J. Giovan