

DA 17-0107

IN THE SUPREME COURT OF THE STATE OF MONTANA

2017 MT 220N

---

IN RE THE MARRIAGE OF:

MICHAEL J. BARLOW,

Petitioner and Appellee,

v.

SANDRA C. BARLOW,

Respondent and Appellant.

---

APPEAL FROM: District Court of the Sixth Judicial District,  
In and For the County of Park, Cause No. DR 09-13  
Honorable Brenda R. Gilbert, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Kevin T. Sweeney, Attorney at Law, Billings, Montana

For Appellee:

Karl Knuchel, Karl Knuchel, P.C., Livingston, Montana

---

Submitted on Briefs: August 16, 2017

Decided: September 5, 2017

Filed:



---

Clerk

Chief Justice Mike McGrath delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Sandra Barlow appeals from the District Court's Findings of Fact, Conclusions of Law, Final Parenting Order, and Order Regarding Child Support. We affirm.

¶3 The parties were married and have three children. The marriage was dissolved in 2010 and the District Court adopted a parenting plan from a settlement agreement entered by the parties. In December 2015 the Montana Child Support Enforcement Division (CSED) considered and modified the child support by increasing the amount due from Michael. Both parties objected to the decision and sought judicial review. The District Court conducted a hearing in August and October 2016, and reviewed the parenting plan and the CSED support determination. The District Court's order appealed from modified the parenting provisions and affirmed the CSED support determination.

¶4 There is a presumption in favor of a district court's determination of child support, which will be overturned only where there has been an abuse of discretion. *In re Marriage of Sullivan*, 258 Mont. 531, 537, 853 P.2d 1194, 1198 (1997). Child support obligations are determined, as in this case, by applying the uniform child support guidelines adopted by the Montana Department of Health and Human Services. The

amount of support determined under the guidelines is presumed to be adequate and reasonable unless the district court finds by “clear and convincing evidence” that application of the guidelines would be unjust or inappropriate. Section 40-4-204(3)(a), MCA.

¶5 The District Court considered the parties’ evidence of Michael’s income and adopted the CSED support decision. Further, the District Court adequately considered and resolved the issue of credit given to Michael after he assumed responsibility for a \$25,000 medical bill for one of the children. There was no clear and convincing evidence that the CSED decision should be modified, and the District Court did not abuse its discretion.

¶6 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, this case presents a question controlled by settled law or by the clear application of applicable standards of review.

¶7 Affirmed.

/S/ MIKE McGRATH

We Concur:

/S/ JAMES JEREMIAH SHEA

/S/ BETH BAKER

/S/ DIRK M. SANDEFUR

/S/ JIM RICE