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## Be prepared for SB23 misinterpretation

Posted by smm72 - 2008/03/10 16:50

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It looks like the courts are misinterpreting SB23. My ex filed a modification of c/s in November 2007. Our divorce and child support order was final as of Oct 2003. Our hearing was scheduled for January 2008 in front of the commissioner where we each agreed and signed a stipulation to modify c/s based on the old guidelines/tables. A mere 2 days later, my ex "ammended" the modification to included the new 2008 tables. Seems as though someone told her about the new 2008 tables. As a result, a new hearing was scheduled in February for review. Prior to this hearing, both the commissioner presiding at the hearing and the Judge signed the order on the stipulation. At the new hearing in front of a different commissioner (Arnett) decided that the stipulation was NOT enforceable, even under the acknowledgment that an order was already signed, because we were in 2008 and the new tables applied. i am sorry to say, but Commissioner Arnett is flat out wrong. The modification was not based on a new order entered after Jan 1, 2008 and therefore does not apply. There is a phase in period with the old tabled repealed Jan 2, 2010. My attorney objected to Arnett's ruling and I just found out that the court overruled our objection. THE COURT IS MISINTERPRETING SB23. Why have a stupid bill that sets out clear guidelines as to when the new tables will be effective if the courts decide another way. Makes no sense to me at all. anyone have any ideas?

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