

MAY 29 2024

CHIEF CLERK'S OFFICE

NNH FA-16 5036446 : SUPERIOR COURT
: :
HARRIS, JAYSON : JUDICIAL DISTRICT OF
: NEW HAVEN
V. : AT NEW HAVEN
HARRIS, DASHE : MAY 29, 2024

POST JUDGMENT MOTIONS: FINDINGS AND ORDERS

Before the court are multiple post judgment motions: defendant's Motions for Contempt (#137, #166 and #168) Plaintiff's Motion for Modification of Child Support and Custody (#144), and Defendant's Motion for Order #165).

The current child support orders entered on November 16, 2021. (#129.10). They require the plaintiff father to pay \$320 per week. At that time the court relied on the financial affidavits of the parties and the child support guidelines worksheet prepared by Family Relations. The court found the net weekly income of defendant father was \$1914 and the net weekly income of the plaintiff was \$834. The presumptive child support amount was \$279. The court entered an order of \$320, noting it was not a deviation as \$320 is within 15% of \$279.

The defendant has filed multiple motions for contempt alleging non-payment of child support since that order entered. On May 19, 2023 the parties resolved one such motion with an agreement (#149). This agreement called for the plaintiff to pay counsel fees of \$1000 in \$250 installments until paid in full, no later than October 1, 2023. The parties agree this \$1000 was not paid.

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On March 22, 2023 the plaintiff filed a motion to modify his child support obligation and the parenting schedule (#144). Regarding the parenting plan, the plaintiff claims he cannot see the child when he wants to and that the defendant is alienating the child from him. The evidence did not support these claims. The plaintiff drives trucks long distances for work. He is away from home most of the time. He told the court he could change his work schedule to be available for the child more. However, he could not tell the court when this change might occur and what his schedule would be if it did.

On the few days a month that the plaintiff is in Connecticut, he lives with a girlfriend. The child does not know this woman well, and he has only slept at that house once, on the couch. When the plaintiff asks to see the child the defendant usually agrees. However, because the plaintiff rarely gives the defendant his schedule or any advance notice of his schedule there are occasionally dates that she cannot accommodate. This is reasonable given the circumstances and not a basis for a modification. The current custodial and access orders are in the best interest of the child.

Regarding the child support, the plaintiff claims his income has decreased since the last order entered. Until 2024 the defendant had income from two sources. He owned and rented trucks through his company Danielle Michaels, LLC and he drove trucks long distance for Pinnacle Freight. Until 2023 he earned most of his income by renting trucks. However, in late 2021 he was in an accident that kept him out of work for a significant amount of time. He fell behind on all his bills, including child support and loans on his trucks. Some trucks were repossessed, and others were too costly to repair. He now has two trucks that need to be repaired and registered before they can be put back into service.

The plaintiff's reported 2023 income reflects 1099 gross earnings of \$44,000 to his LLC and W-2 earnings of \$90,000. He has not filed his 2022 or 2023 taxes. He claims his net, or after expense, income from Danielle Michaels, LLC in 2023 was zero because of repairs to the trucks and the foreclosure of a lien on one of the trucks.

The plaintiff's pay statements, as a driver, reflect \$17,868 gross, and \$12,224 net, in the first quarter of 2024. He says his current annual gross income is approximately \$90,000. The court received no evidence to the contrary. The court finds that the plaintiff has a weekly net income of approximately \$1188. The court finds that the defendant has a weekly net income of approximately \$1070.

The plaintiff concedes he is 5 weeks behind in child support and owes \$1000 to defense counsel for fees he agreed to pay by October 2023. (See Stipulation dated May 18, 2023, #149) He also concedes that he had funds to pay these debts but chose to put the money towards truck loans and repairs instead. The plaintiff's demeanor in court is consistent with the defendant's belief that the plaintiff did not pay the \$1000 in counsel fees because he resents the court intervention initiated by the defendant. He believes she should accept his word that he will pay child support when he can and she did not need to pay a lawyer for these proceedings.

The defense has asked for counsel fees in this action. The plaintiff filed an objection to defense counsel's affidavit of fees. The court finds the hourly rate of defense counsel reasonable. Additionally, the court observes that the plaintiff contributed significantly to the length of this proceeding by failing to produce documents when reasonably requested to do so by defense counsel. For these reasons, the sharing of counsel fees between the parties is appropriate.


ORDERS

1. Defendant's Motions for Contempt (#137, #166, #168) are granted in part. The court finds, by clear and convincing evidence, the plaintiff was in willful violation of a clear and unambiguous court order to pay child support in December 2023 and January, February and March of 2024. The plaintiff paid the majority of this arrearage by the final date of evidence. The remaining balance, \$1600 as of April 23, 2024, will be paid at the rate of \$33 per week effective immediately.
2. Plaintiff's Motion for Modification of Child Support and Custody (#144) is denied as to custody and the access scheduled. The motion is granted as to child support. Effective

April 23, 2024 the plaintiff will pay child support in the amount of \$187 per week in accordance with the child support guidelines calculated by the court. The worksheet is attached to this order. Any party objecting to the court's calculations must state their objection in writing no later than 10 days from this order. The parties will share work related child care costs and unreimbursed medical expenses with the plaintiff paying 45% and the defendant paying 55%. Child support and arrearage payments are subject to an immediate wage withholding.

3. Defendant's Motion for Order #165: Granted in part. The May 18, 2023 stipulation was previously approved and entered as an order of the court.
4. The plaintiff owes prior counsel fees of \$1000. He is ordered to pay an additional \$1000 in counsel fees in relation to the granted motions for contempt. This \$2000 is due to the office of defense counsel no later than June 7, 2024. A monitoring date is scheduled for June 11, 2024 at 10:00am. If the \$2000 is paid no parties need appear. If the \$2000 is not paid the plaintiff and defense counsel will appear. The plaintiff is advised that failure to abide by these court orders could result in additional penalties, sanctions, counsel fees and possibly incarceration.
5. As financial issues are in dispute, the financial affidavits of the parties are ordered unsealed.

By The Court,


(Grossman, J.)

Judgment entered _____ 20____
Counsel/Self-rep. Ind. notified 5/29 2024
By JDND copy of memo Other
 Copy to Reporter of Judicial Decisions

Mailed to:
TT SRP J Harris
TT Atty Dolan Divorce Lawyers
Δ SRP D Harris
Δ Atty Parrett Porto Parese & Colwell
by NSasser
Foster

Worksheet - Guideline

(https://www.familylawsoftware.com/sc

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Worksheet | Table

CSO-1 Rev. 7-15
 C.G.S. §44b-215a
 §44b-215a-4, Reg. §17-106
 Connecticut State Agencies

STATE OF CONNECTICUT
 COMMISSION FOR CHILD SUPPORT GUIDELINES
 WORKSHEET for the Connecticut Child Support and Arrearage Guidelines

DASHE	JAYSON	CURTIS/DOWN			
Dashe Harris	Jayson Harris	<input checked="" type="checkbox"/> DASHE <input type="checkbox"/> JAYSON <input type="checkbox"/> OTHER			
COURT	D/N/CASE NO.	NUMBER OF CHILDREN			
		1			
CHILD NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH
Chase	2012				

All money amounts in this worksheet may be rounded to the nearest dollar

I. NET INCOME (Weekly amounts)		DASHE	JAYSON
1.	Gross income (attach verification) [?]	\$ 1,440	\$ 1,731
1a.	Number of hours used in calculation [?]	DASHE	JAYSON
2.	Federal income tax (excluding Self Employment Tax and Earned Income Credit) [?]	\$ 60	\$ 195
3.	Social Security tax or mandatory retirement [?]	\$ 89	\$ 107
4.	Medicare tax [?]	\$ 21	\$ 25
5.	State and local income tax (based on all allowable exemptions, deductions and credits) [?]	\$ 58	\$ 86
6.	Medical/hospital/dental insurance premiums (including amounts for parent(s) and all legal dependents)	\$ 143	\$ 130
7.	Court-ordered life insurance for benefit of child	\$ 0	\$ 0
8.	Court-ordered disability insurance	\$	\$
9.	Mandatory union dues or fees (only if deducted by employer)	\$	\$
10.	Mandatory uniforms and tools (only if deducted by employer)	\$	\$
11.	Non-arrearage payments on court ordered alimony and child support awards (for other than parent/child(ren) of this order)	\$ 0	\$ 0
12.	Amount reserved to support qualified child(ren) (line 12f times line 12a)	\$ 0	\$ 0
Qualified Child Deduction Section:		DASHE	JAYSON
12a.	Number of qualified children [?]	\$ 0	\$ 0
12b.	Total # children for qualified child calculation		
	Number of children on this order + line 12a = [?]	\$	\$
12c.	Sum of lines 2-11	\$	\$
12d.	Line 1 - line 12c =	\$	\$
12e.	Amount from schedule based on the parent's line		
	12d income and total # of children (line 12b) [?]	\$	\$
12f.	Line 12e / line 12b =	\$	\$
13.	Add lines 2 through 12 and enter amount here	\$ 371	\$ 543
14.	Net weekly income (line 1 - line 13 =)	\$ 1,069	\$ 1,188

II. CURRENT SUPPORT			
15.	Combined net weekly income (Add both parents' line 14 income. Round to the nearest \$10)	\$ 2,260	
16.	Basic child support obligation (from Schedule of Basic Child Support Obligations)	\$ 355	
17.	Each parent's percentage share of (line 15 (line 14 for each parent) / line 15) (If noncustodial parent is a low-income obligor, skip this line and enter line 16 amount in noncustodial parent's column on line 18.)	47.30 %	52.70 %
18.	Each parent's share of the basic child support obligation (line 17 x line 16 for each parent)	\$ 168	\$ 187
19.	Social Security dependency benefits adjustment	\$	\$ 0
20.	Presumptive current support amount (line 18 + line 19 =) (Rounded to the nearest dollar) (Enter noncustodial parent's amount on line 30.)	\$ 168	\$ 187

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21.	Line 14 + line 33 (for custodial parent); line 14 + line 33 (for noncustodial parent)	\$ 1,256	\$ 1,001
22.	Noncustodial parent's line 19 amount (Social Security dependency benefits for child)	\$ 0	
23.	Line 21 + line 22 (for custodial parent); line 21 + line 22 (for noncustodial parent)	\$ 1,256	\$ 1,001
IV. UNREIMBURSED MEDICAL EXPENSE			
24.	Add both parents' line 23 amounts and enter it here: (combined net disposable income)	\$ 2,257	
25.	Each parent's percentage share of combined net disposable income (Line 23 for each parent / line 24; then x 100 and round to the nearest whole %) <i>If the noncustodial parent is a low-income obligor (based on line 14 Net Weekly Income), go to line 26. If the noncustodial parent is not a low-income obligor (based on line 14 Net Weekly Income), enter those percentages on line 33b.</i>	56 %	44 %
26.	Compare the noncustodial parent's line 25 amount to 50%. Enter the lower percentage on line 33b for the noncustodial parent. Then take 100 - line 33b for the noncustodial parent and enter the amount on line 33b for the custodial parent.		
V. CHILD CARE CONTRIBUTION			
27.	Does the noncustodial parent's line 23 amount fall within the shaded area of the schedule? If yes, go to line 28. If no, skip line 28 and enter the noncustodial parent's line 25 percentage on line 34b.		
28.	Does the custodial parent's line 23 amount fall within the shaded area of the schedule? If no, enter 20% on line 34b as the noncustodial parent's child care contribution. If yes, compare the line 25 amount for the noncustodial parent to 50% and enter the lower amount on line 34b.		
VI. ARREARAGE PAYMENT			
29.	Line 30 * .20 = \$ 37 OR amount determined in A, B, C or D, below (check box that applies)		\$

VII. SUMMARY OF WORKSHEET			
30.	Presumptive current support (from line 20): \$	187	
31.	Arrearage payment (from line 28): \$	33	
32.	Total arrearage: \$	1,600 (broken down as noted below)	
	State arrearage: \$	Family arrearage: \$	1,600
33.	a. Cash medical: \$	0	
	b. Unreimbursed medical expenses: DASHE	56 % / JAYSON	44 %
34.	a. Child Care Contribution: \$		
	b. Child Care Contribution: JAYSON	44 %	
35.	a. Total child support award (excluding % amounts for unknown costs): \$	220	
	b. Total child support award as a % of the obligor's net income: \$	18.52 % (line 35a / line 14 of the obligor; then x 100)	
	c. 55% of the obligor's net income (55% of line 14):	653	
	d. Does the award (line 35a) exceed 55% of the obligor's net income (line 35c)?	NO	
	e. Excess of award over 55% of obligor net income: \$	0	

VIII. DEVIATION CRITERIA (Attach additional sheet if necessary.)		
36. Reason(s) for deviation from presumptive support amounts: (check all boxes that apply) <input type="checkbox"/> Check here if deviating by agreement.		
Parent's other financial resources <input type="checkbox"/> substantial assets <input type="checkbox"/> parent's earning capacity <input type="checkbox"/> parental support provided by a prior obligor <input type="checkbox"/> receipt of gift of income of domestic partner <input type="checkbox"/> employment over 40 hours per week	Extraordinary parental expenses <input type="checkbox"/> significant education expenses <input type="checkbox"/> out-of-pocket extraordinary expenses <input type="checkbox"/> unreimbursed medical/dental expenses Needs of parent's other dependents <input type="checkbox"/> pay for the education of other child(ren) <input type="checkbox"/> child care expenses for other child(ren) <input type="checkbox"/> medical expenses for noncustodial child <input type="checkbox"/> hospital and medical needs of a spouse	Coordination of total family support <input type="checkbox"/> number of steps and babies <input type="checkbox"/> number of siblings <input type="checkbox"/> existing custody plans Child care expenses <input type="checkbox"/> monthly cost of child care <input type="checkbox"/> monthly income of parent <input type="checkbox"/> monthly income of other parent <input type="checkbox"/> total income of the child <input type="checkbox"/> total income exceeds 55% of obligor's net <input type="checkbox"/> other step or foster family

PREPARED BY Jane Grossman	TITLE	DATE 05/28/2024
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