



DOMESTIC Cases Updated



Decided...

Significance of change is important when looking to modify support.

Mandelbaum vs. Mandelbaum, Slip Opinion No. 2009-Ohio-1222

The Supreme Court of Ohio unanimously concluded on March 24, 2009 that domestic courts should consider whether a change in financial circumstances is significant before modifying spousal support. The decision ended a dispute that began in 2000, when Stanley and Frances Mandelbaum of Montgomery County were divorced.

In the Mandelbaum's 2000 divorce decree, the court required Mr. Mandelbaum to pay alimony of \$1,500 per month. The decree also included a stipulation allowing either party to seek a future adjustment in support if the financial circumstances of either party changed. In 2005, Mr. Mandelbaum filed a petition seeking a reduction in spousal support due to changes in his financial circumstances. The magistrate determined the net change in Mr. Mandelbaum's financial situation did not justify an adjustment in spousal support. Mr. Mandelbaum filed objections to the magistrate's ruling, and Mrs. Mandelbaum filed a reply, asking the court to retain her current level of support. The trial court determined the magistrate's calculations were incorrect, and issued an order modifying support from \$1,500 per month to \$925 per month.

Mrs. Mandelbaum appealed the trial court's decision. The Second District Court of Appeals found that although the parties reserved jurisdiction in the decree to modify spousal support, the trial court erred in failing to consider whether the change in circumstances was substantial and not contemplated at the time of the original order. The

appellate court concluded its ruling was in conflict with the Fifth, Ninth and Eleventh Districts, which had ruled in similar cases that under 1986 and 1991 amendments to the state's domestic relations laws, a court has jurisdiction to modify a prior spousal support order based on any change in the financial circumstances of the parties. The Supreme Court agreed to review the case and resolve the discrepancy.

After reviewing the case, the Supreme Court concluded that although the amendments to the Ohio Revised Code Chapter 3105.18 set forth a partial listing of what may constitute a change in circumstances for purposes of establishing trial court jurisdiction, it does not alter the requirement that a trial court should find a substantial change before modifying a prior order for spousal support. The Supreme Court concluded that courts are permitted to grant modifications to spousal support if (1) the original decree reserved the right to do so, (2) a substantial change in circumstances has occurred and (3) the change was not contemplated at the time of the original decree.

"The word 'substantial' has been given various meanings by Ohio courts."

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