

SUMMARY STATEMENT

Garner v. Garner Docket No. 41898

The Idaho Supreme Court reversed the district court, which had affirmed the magistrate's denial of Monica Garner's motion to modify child support and its decision to award attorney fees. The Supreme Court found that the magistrate court had abused its discretion because the original judgment of child support had been a gross and substantial deviation from the amount the Idaho Child Support Guidelines would have required, and the deviation was not supported by the required explanation of evidence showing the Guidelines amount would have been inappropriate. The Supreme Court also found that under Section 5 of the Idaho Child Support Guidelines, the presumptive amount of child support required by the Guidelines can itself constitute a material change permitting a motion for modification of support. The Supreme Court vacated the magistrate's and the district court's award of attorney fees to Christopher Garner and remanded to the district court for further proceedings, including a remand to the magistrate for further findings regarding child support.