

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 CA 0865

MICHAEL WILLIS

VERSUS

YONSHIN WILLIS

**Judgment rendered December 21, 2011.**

\* \* \* \* \*

Appealed from the  
22nd Judicial District Court  
in and for the Parish of St. Tammany, Louisiana  
Trial Court No. 2010-12187  
Honorable Dawn Amacker, Judge

\* \* \* \* \*

MARK J. MANSFIELD  
COVINGTON, LA

ATTORNEY FOR  
PLAINTIFF-APPELLEE  
MICHAEL WILLIS

MARK ALAN JOLISSAINT  
SLIDELL, LA

ATTORNEY FOR  
DEFENDANT-APPELLANT  
YONSHIN WILLIS

\* \* \* \* \*

**BEFORE: PETTIGREW, McCLENDON, AND WELCH, JJ.**

Handwritten signatures of Mark J. Mansfield and Mark Alan Jolissaint. The signature of Mark J. Mansfield is written in black ink and appears to be 'M.J.M.'. The signature of Mark Alan Jolissaint is written in black ink and appears to be 'M.A.J.'.

**PETTIGREW, J.**

In this case, plaintiff-appellee, Michael Willis, filed a motion for reduction of child support based on a "material change in circumstances." According to Michael, in a previous judgment he was ordered to pay defendant-appellant, Yonshin Willis, \$2,111.00 per month in child support for their two minor children. However, Michael argued that judgment was based on a presumption that Yonshin would exercise physical custody of the children more than fifty percent of the time. In his motion, Michael alleged that under a custody plan formulated by Dr. Stephen Thompson, the parties are now in a shared custody regime, warranting a reduction in his support obligation.

Following a conference with the hearing officer, it was ordered that Michael's monthly child support obligation be reduced from \$2,111.00 to \$600.00. The hearing officer recognized that the parties were in fact operating under a shared custody arrangement, wherein they each had physical custody of the children for an approximately equal amount of time. Yonshin filed an objection to the hearing officer's recommendation, arguing that there had been no material change in circumstances to justify a reduction in child support.

Michael's motion was then argued before the trial court, at which time both he and Yonshin testified and their respective attorneys argued the case. After considering the evidence and applicable law, the trial court adopted the hearing officer's findings of fact and granted Michael's motion for reduction in child support. The trial court found that there was a "material change of circumstance from the last setting of child support insofar as the interim physical custody and visitation plan for the minor children was amended by agreement of the parties working with Dr. Stephen Thompson and memorialized in his letter dated November 12, 2010, to a final joint/shared custody regime." The trial court reduced Michael's child support obligation to \$600.00 per month effective October 5, 2010, resulting in a credit of \$3,022.00. The trial court allowed for a \$200.00 per month deduction in Michael's child support obligation until the credit was extinguished. A judgment in accordance with these findings was signed by the trial court on December 30, 2010. Yonshin appealed.

Louisiana Civil Code article 142 provides for modification of a child support award upon a showing of a material change in circumstance of either parent or of the child. Louisiana Revised Statutes 9:311(A)(1) provides that an "award for support shall not be modified unless the party seeking the modification shows a material change in circumstances of one of the parties between the time of the previous award and the time of the rule for modification of the award."

Thus in this case, as the party seeking modification of the child support obligation, Michael had the burden of proving a change in circumstances of one of the parties since the time of the previous award. See **Folse v. Folse**, 2001-0946, p. 4 (La. App. 1 Cir. 5/10/02), 818 So.2d 923, 925. What constitutes a change in circumstances is determined on a case-by-case basis and falls within the great discretion of the trial court. **Folse**, 2001-0946 at 3, 818 So.2d at 925 (Citing **Stogner v. Stogner**, 98-3044, p. 12 (La. 7/7/99), 739 So.2d 762, 770). On appeal, a trial court's child support order will not be reversed except for abuse of discretion. However, as in any other case, on appellate review of a trial court's factual findings, those findings of fact are subject to the manifest error/clearly wrong standard of review. **Harang v. Ponder**, 2009-2182, p. 20 (La. App. 1 Cir. 3/26/10), 36 So.3d 954, 967, writ denied, 2010-0926 (La. 5/19/10), 36 So.3d 219.

After a thorough review of the record and relevant jurisprudence, we conclude that the record reasonably supports the trial court's factual findings. We further find no abuse of discretion in the trial court's judgment reducing Michael's child support obligation. Thus, in accordance with Uniform Rules--Courts of Appeal, Rule 2-16.2A(2), (4), (5), (7), and (8), we affirm the December 30, 2010 judgment of the trial court and assess all costs associated with this appeal against defendant-appellant, Yonshin Willis.

**AFFIRMED.**