

Anchin Alert

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Husband Fails to Show Circumstance Change and Downward Modification of Support Denied

Anchin, Block & Anchin's Litigation, Forensic and Valuation Services Group is often retained to assist attorneys who are handling matrimonial and family law matters that involve financial considerations. At times, counsel requires our assistance in arguing against one spouse's attempt to have a downward modification in maintenance and/or child support.

In a case¹ recently reported in the *New York Law Journal*, an ex-husband moved for vacatur of the parties' so-ordered stipulation and a downward modification of child support obligations. The ex-wife argued, among other things, that the ex-husband failed to establish a change in circumstances sufficient to warrant downward modification.

The court noted that the ex-husband consistently evidenced his unwillingness to comply with court orders throughout the four year divorce proceeding and that despite opportunities to comply with discovery directives, he failed to do so. Despite the parties agreeing to reasonable child support, the ex-husband now sought to undo the agreement, evade preclusion and re-litigate the amount of support based on information he was now willing to provide that would allegedly result in a lower child support award.

The court found that the ex-husband was now precluded from offering financial information and failed to establish an alternative substantial change in circumstances and denied his petition for a downward modification of child support.

For more information, please contact Anthony Bracco, David Beckman, Margaret Kolb, Dennis Neier, or Raymond Dragon of Anchin's Litigation, Forensic and Valuation Services Group at 212.840.3456.

¹ D.K. v. M.T.K., 50366/2015 (June 9)



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