

**QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK
III OR IN EXAMPLIFY ANSWER SCREEN 9**

Larry and Faith were the parents of six-year-old triplets when they divorced in 2012. Their divorce judgment awarded Faith custody and required Larry to pay \$1,000 monthly in child support, based on the Michigan Child Support Guidelines, using Faith's income of \$3,000 per month and \$10,000 per month for Larry. Because Larry and Faith leased and rented virtually everything and saved almost nothing, the marital estate was near non-existent. No alimony was awarded or reserved. In the seven years since their divorce, neither parent remarried nor had other children.

On March 1, 2019, Faith's employer permanently reduced her income by \$1,000 per month due to automation. Larry, on the other hand, was headed in the other direction as he hit the lottery. He kept working his job and opted to collect his prize monthly -- \$15,000 per month after taxes -- starting February 1, 2019 for 30 years. The kids, Faith, and the local Friend of the Court were all made aware of this by "Lucky Larry."

Because she did not have money for an attorney and for other reasons, Faith waited until August 1, 2019 to file and serve on Larry a Petition for Modification of the judgment to increase child support. An evidentiary hearing was held on August 28, 2019 and testimony was taken on the parties' incomes. Faith requested three things: (1) an increase in support based on (a) the child support guidelines, but now using her income of \$2,000 per month and (b) Larry's income at \$25,000 per month; (2) the support increase be effective February 1, 2019, when Larry got his first lottery payment; and (3) an award for attorney fees to defray the cost of Faith's attorney. In support of request number 3, Faith attached her affidavit reciting her bare-bones monthly budget (\$25 in discretionary, left-over spending) and indicating she had borrowed \$500 from her father to pay half her lawyer's retainer fee, a total of \$3,000.00.

Larry countered that (1) any increase in support was "unwarranted" because the kids "had all they need; (2) any support increase - if ordered - cannot be made retroactive; and (3) he is no longer married to Faith and does not need to pay her bills, especially her attorney fees.

Applying Michigan law, discuss who should prevail on each of the three requests based on the arguments made. Fully explain your answer. (You are not being asked to numerically calculate a support figure.)

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III*****
OR IN EXAMPLIFY ANSWER SCREEN 9**