

Filed 2/23/99 by Clerk of Supreme Court

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

1999 ND 19

Royce Roberson, Director, McLean
County Social Service Board
ex rel. Nancy C. Nelson a/k/a
Nancy Fehr, Nancy C. Nelson
a/k/a Nancy Fehr, Julie Lynn
Sirek, as guardian ad litem
for M.S.A., a minor child,

Plaintiffs

State of North Dakota,
through the Regional Child
Support Enforcement Unit,
on behalf of Nancy C. Nelson,
a/k/a Nancy Fehr,

Appellant

v.

Scott E. Anderson,

Defendant and Appellee

Civil No. 980263

Appeal from the District Court for McLean County, South
Central Judicial District, the Honorable Dennis A. Schneider,
Judge.

REVERSED AND REMANDED.

Per Curiam.

Rhonda R. Pierce, Special Assistant State's Attorney,
Regional Child Support Enforcement Unit, P.O. Box 5518, Bismarck,
ND 58502-5518, for appellant. Submitted on brief.

Roberson, et al. v. Anderson

Civil No. 980263

Per Curiam.

[¶1] The Bismarck Regional Child Support Enforcement Unit appealed from a trial court judgment affirming a referee's decision to abate Scott E. Anderson's child support obligation "up to a maximum of two months per year in any month in which [Anderson] has the child for extended visitation of over 20 days per month." The Child Support Enforcement Unit argues the referee failed to properly apply the child support guidelines. We agree concluding Schumacher v. Schumacher, 1999 ND 10, is dispositive of this appeal. In Schumacher, at ¶ 8, we explained "[t]he child support guidelines expressly prohibit the abatement of support obligations during temporary periods in which the child resides with the non-custodial parent." See also Edwards v. Edwards, 1997 ND 94, ¶ 15, 563 N.W.2d 394. We therefore summarily reverse under N.D.R.App.P. 35.1(b) and remand to the trial court for proper disposition of this action consistent with Schumacher, at ¶ 8.

[¶2] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Mary Muehlen Maring
William A. Neumann
Dale V. Sandstrom