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**IN THE
COURT OF APPEALS OF INDIANA**

JANE ANN HOIUM,)

Appellant-Petitioner,)

vs.)

DAVID MICHAEL HOIUM,)

Appellee-Respondent.)

No. 16A04-0704-CV-213

APPEAL FROM THE DECATUR CIRCUIT COURT

The Honorable John A. Westhafer, Judge

Cause No. 16C01-8803-DR-081

September 11, 2007

MEMORANDUM OPINION – NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-petitioner Jane Ann Hoiium appeals the trial court's order refusing to require appellee-respondent David Michael Hoiium to reimburse Jane for expenses that she incurred in paying for the parties' children's higher education retroactive to a date prior to the filing of the petition for educational expenses.

Jane and David's marriage was dissolved in 1988 and Jane was granted custody of the couple's two minor sons. The dissolution decree makes no mention of educational expenses. On July 6, 2006, Jane filed a petition for educational expenses, requesting a modification of David's child support obligation to include the payment of their sons' college expenses beginning in the fall of 2006 and also requesting retroactive reimbursement of the boys' college expenses that she had incurred prior to the filing of the petition. The trial court granted her motion with respect to prospective expenses but denied it with respect to retroactive reimbursement of expenses incurred prior to the filing of the petition.

When, as here, the apportionment of extraordinary educational expenses is at issue, we will only reverse the trial court's decision if we find it to have abused its discretion. Carr v. Carr, 600 N.E.2d 943, 945 (Ind. 1992). College expenses are in the nature of child support. Hay v. Hay, 730 N.E.2d 787, 791-92 (Ind. Ct. App. 2000). Retroactive modification of a child support order to a date preceding the filing of the petition to modify is impermissible. Carter v. Dayhuff, 829 N.E.2d 560, 565 (Ind. Ct. App. 2005). In the context of college expenses, we have explained that we do not condone "makeup payments" whereby a party seeks retroactive reimbursement of college expenses. Snow v. Rincker, 823 N.E.2d 1234, 1239 (Ind. Ct. App. 2005), trans. denied; see also Carter, 829 N.E.2d at 568 n.5 (emphasizing

that “this is not a case of a trial court ordering ‘makeup payments’”).

Here, Jane filed her petition for educational expenses—essentially, a petition to modify David’s child support obligation—on July 6, 2006. Although she asserts that the parties had reached an informal agreement prior to that time regarding the apportionment of the children’s educational expenses, she offers no evidence in support of that assertion. Consequently, pursuant to the authority described above, the trial court properly determined that Jane is not entitled to reimbursement for educational expenses that she incurred prior to July 6, 2006.

The judgment of the trial court is affirmed.

BAILEY, J., and VAIDIK, J., concur.