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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0411-20**

FANGTZU LIN,

Plaintiff-Appellant,

v.

EN-SHUO YEH,

Defendant-Respondent.

Submitted February 9, 2022 – Decided May 25, 2022

Before Judges Gooden Brown and Gummer.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Middlesex County,
Docket No. FM-12-2724-14.

Fangtzu Lin, appellant pro se.

En-Shuo Yeh, respondent pro se.

PER CURIAM

In this post-judgment matrimonial case, plaintiff Fangtzu Lin appeals an order temporarily reducing defendant En-Shuo Yeh's child-support and alimony

payment obligations and a subsequent order denying plaintiff's reconsideration motion. Because the motion judge did not abuse his discretion in temporarily reducing defendant's obligations or in denying the reconsideration motion, we affirm.

I.

The parties were married in 2005 and had two children, one born in 2005 and the other in 2008. The parties divorced by way of a judgment of divorce on March 30, 2016. Pursuant to the judgment of divorce, defendant was required to have weekly payments of \$226 in child support and monthly payments of \$1,000 in limited-duration alimony garnished from his wages.

In 2020, asserting he had a \$3,978.73 credit balance in his support payments, defendant moved to suspend or reduce temporarily the wage garnishment until the credit balance was depleted. In support of his motion, defendant submitted a certification to which he attached a recent "record from the Probation Division, Child Support Enforcement,"¹ which stated defendant had a \$3,978.73 credit. He also certified that when he "inquired at the probation department" about the credit, his "case worker instructed [him] to file a motion

¹ The website address on the document indicates the document is from the New Jersey Department of Human Services Child Support website, <https://caseinfo.njchildsupport.org>.

to temporarily suspend the support garnishment until the credit balance [was] depleted." In opposition to defendant's motion, plaintiff certified she had not been able to obtain defendant's payment history or "Middlesex County Probation Department's figures yet, and could not verify the numbers," and she "pray[ed]" the court would be able "to obtain and review them." She asserted defendant previously had defied support orders and violated the judgment of divorce. She characterized defendant's motion as frivolous.

After placing a decision on the record, the motion judge memorialized in an order his finding that defendant's "[p]robation account" then had a credit of \$3,750.33. The judge denied defendant's request to suspend the wage garnishment but, in the alternative, ordered that his weekly child-support obligation be reduced to \$126 and his weekly alimony obligation be reduced to \$130.77 for approximately four and a half months, at which time the \$3,750.33 credit would be deemed satisfied.

Plaintiff moved for reconsideration, asking the motion judge to eliminate from the order any reference to reducing or modifying defendant's support obligations and to award her "a money judgment of arrears" in the amount of \$5,515.77. In support of her motion, plaintiff certified that after she had opposed defendant's motion, she "received an accounting of all disbursements

from the New Jersey Office of Child Support . . . regarding [c]hild [s]upport and [s]pousal [s]upport payments," which she attached to her certification. She asserted those records showed defendant did not have a credit but instead owed plaintiff \$5,515.77 in support arrears. Those documents actually reported a "Current Balance owed to Funds Recipient" and a "Current Balance Due" of "\$-3,674.22," thereby reflecting a credit, not arrears.

In opposition, defendant argued he had not asked for a downward modification of support but instead had requested and had been awarded "a temporary reduction of support payments in order to use up a . . . credit that had accumulated in [his] support account" He asserted plaintiff's calculations regarding the support payments failed to include a lump-sum payment of \$14,530.50 she had received at the time of the divorce. According to his calculations, he had overpaid plaintiff \$9,014.73, which he argued should be awarded to him as a money judgment.

The motion judge denied plaintiff's motion. In a decision he placed on the record, he stated he had decided defendant's motion based on "the information that was there at the time" and confirmed "the probation account indicated that there was a credit of \$3,750.33." The judge had determined the only way for defendant to recoup the money he already had overpaid to plaintiff was by

temporarily reducing defendant's weekly child-support and alimony payment obligations until the credit was depleted – which is what he ordered. He rejected both parties' claims for a money judgment.

On appeal, plaintiff argues the motion judge abused his discretion by temporarily reducing defendant's support obligation, asserting his finding of a credit was not supported by the document submitted by defendant and faulting the judge for not conducting a plenary hearing. She argues the motion judge abused his discretion in denying her reconsideration motion because he purportedly ignored her submission, which she claimed supported her contention defendant owed her money. Unpersuaded by her arguments, we affirm.

II.

"We review the Family Part judge's findings in accordance with a deferential standard of review, recognizing the court's 'special jurisdiction and expertise in family matters.'" Thieme v. Aucoin-Thieme, 227 N.J. 269, 282-83 (2016) (quoting Cesare v. Cesare, 154 N.J. 394, 413 (1998)). We reverse "only when a mistake must have been made because the trial court's factual findings are 'so manifestly unsupported by or inconsistent with the competent, relevant and reasonably credible evidence as to offend the interests of justice'"

Spangenberg v. Kolakowski, 442 N.J. Super. 529, 535 (App. Div. 2015) (quoting Rova Farms Resort, Inc. v. Invs. Ins. Co. of Am., 65 N.J. 474, 484 (1974)). We review de novo questions of law. Amzler v. Amzler, 463 N.J. Super. 187, 197 (App. Div. 2020).

We review under an abuse-of-discretion standard support-modification orders, Donnelly v. Donnelly, 405 N.J. Super. 117, 128 (App. Div. 2009), and orders denying reconsideration motions. Branch v. Cream-O-Land Dairy, 244 N.J. 567, 582 (2021). "While an 'abuse of discretion . . . defies precise definition,' we will not reverse the decision absent a finding the judge's decision 'rested on an impermissible basis[,] considered 'irrelevant or inappropriate factors[,]'" Spangenberg, 442 N.J. Super. at 536 (alterations in original) (quoting Flagg v. Essex Cnty. Prosecutor, 171 N.J. 561, 571 (2002)), or "failed to consider controlling legal principles or made findings inconsistent with or unsupported by competent evidence," ibid. (quoting Storey v. Storey, 373 N.J. Super. 464, 479 (App. Div. 2004)).

Plaintiff disagrees with the motions judge's finding that a credit existed. "[W]e are bound to uphold a finding that is supported by sufficient credible evidence in the record." Moynihan v. Lynch, 250 N.J. 60, 90 (2022). Defendant supported his assertion that a credit existed by submitting a document from the

New Jersey Department of Human Services Child Support website. That document indisputably shows a \$3,978.73 credit. In opposition to defendant's motion, plaintiff did not submit any documentary evidence regarding the credit, conceded she had not obtained any information regarding defendant's payment history, and asked the court "to obtain and review" the relevant figures. The motion judge found defendant's "[p]robation account" then had a credit of \$3,750.33. The only credible evidence before the court supported the judge's finding that a credit existed. Because the judge's finding that a credit existed was supported by sufficient credible evidence in the record, it is entitled to our deference and we have no basis to reverse the order.

The motion judge was not required to conduct a hearing on defendant's motion. A party "is entitled to a plenary hearing only when demonstrating the existence of a genuine issue of material fact" Bermeo v. Bermeo, 457 N.J. Super. 77, 83 (App. Div. 2018); see also Lepis v. Lepis, 83 N.J. 139, 159 (1980) ("[A] party must clearly demonstrate the existence of a genuine issue as to a material fact before a hearing is necessary"). Plaintiff did not demonstrate the existence of a genuine issue of material fact regarding the credit issue. Accordingly, she was not entitled to a plenary hearing.

Regarding her reconsideration motion, plaintiff faults the judge for not considering the documents from the New Jersey Office of Child Support she submitted in support of that motion. Those documents clearly show a "Current Balance owed to Funds Recipient" and a "Current Balance Due" of "\$-3,674.22," and, thus, support the judge's finding that a credit existed. We discern no abuse of discretion in the denial of plaintiff's reconsideration motion.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION