

Marriage of jamie
michelle clark v
andrew clark 2014 ok
civ app 82 case
studies e...

[Law](#), [Criminal Justice](#)



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Business Law Case Study

Issue

Was the appellant to compensation from the year 2009 up to 2011?

Rule

Oklahoma law provide for compensation but factors such as waiver and laches can defeat compensation claims . In this case, the appellant waived this right by prohibiting the appellant from exercising his parental duties over the child.

Application

In deciding this case, the court addressed two issues. The act of remitting of maintenance by the appellee. The court noted that the appellant paid the maintenance for the child from the year 2002 to the 2009 despite the appellant claiming that there was no child during their marriage in their divorce. However, she denied the appellee the right to see the child and thus the appellee stopped payment of the child's upkeep. The appellate court was of the opinion that the conduct of the mother to bar the appellee from visiting the child is the reason why the appellee discontinued his upkeep for

the child.

Secondly, the court examined the statement by the appellant in the divorce in regard to absence of children during her marriage to the appellee. The appellate court held that the appellant misled the trial court and thus she cannot claim any compensation from the appellee.'

Finally, the appellate court held that the appellee had to undergo litigation for him to be awarded the right to exercise his parental right over the said child. The refusal to grant the appellee to exercise his presumptive father rights over the child indicates that the appellant was not interested in acknowledging the appellee as the father of the child thus she cannot claim compensation of maintenance arrears after the supreme court awarded the appellee right over the child, in the year 2011 .

Conclusion

The judgment was rational and fair. The mother of the child did not deserve arrears compensation for the upkeep of the child from the appellee due to the fact that she denied him "visitation rights" over the child from the year 2009 until he sought the help of the court and was granted an order to enforce the right by the Supreme Court.

It is clear that the mother to J. A. R. claim for compensation for the period commencing 2009 up to 2011 when she denied the appellee visitation rights was an afterthought that was motivated by greed for money thus the court was just applying her actions to defeat her motive.