

IN THE COURT OF APPEALS 08/06/96

OF THE

STATE OF MISSISSIPPI

NO. 95-CA-00725 COA

BETTY SUE TIDWELL NEAL

APPELLANT

v.

MEDRIC JARONE NEAL

APPELLEE

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. STUART ROBINSON

COURT FROM WHICH APPEALED: CHANCERY COURT OF THE FIRST JUDICIAL
DISTRICT OF HINDS COUNTY

ATTORNEYS FOR APPELLANT:

E. MICHAEL MARKS

JOHN S. BARRON

ATTORNEY FOR APPELLEE:

JERRY H. BLOUNT

NATURE OF THE CASE: DOMESTIC RELATIONS

TRIAL COURT DISPOSITION: ORDERED THE APPELLEE TO PAY \$450.00 IN PAST DUE
CHILD SUPPORT, \$536.16 IN PRE-SEPARATION EXPENSES, AND \$359.77 TOWARDS THE
CHILDREN'S COLLEGE EXPENSES

BEFORE THOMAS, P.J., DIAZ, AND PAYNE, JJ.

DIAZ, J., FOR THE COURT:

This appeal concerns a dispute between Betty Sue Tidwell Neal (Betty) and Medric Jarone Neal (Jarone) over child support, pre-separation expenses, and college expenses for their children which Betty claimed she was owed under their final divorce decree in 1981. Following a hearing, the chancellor ordered Jarone to reimburse Betty in the amount of \$450.00 for past due child support, \$536.16 in pre-separation expenses, and \$359.77 in college expenses. Feeling aggrieved, Betty appeals the chancellor's judgment arguing that she was not afforded an opportunity to fairly explain the basis of each individual claim raised in her pleading for relief. Finding no error, we affirm.

FACTS

Jarone and Betty were divorced in 1981. Under the terms of the divorce, Jarone was to pay \$25.00 per week in child support for each child until each child reached majority or became emancipated. In addition, he was responsible for one-half of all college expenses. He was also responsible for one-half of all medical and dental expenses incurred for the benefit of the children and all pre-separation debts incurred by the parties.

Betty filed an amended motion for modification of final decree and for citation of contempt of court and for partition of realty on July 20, 1994. In this motion, Betty claimed that Jarone owed her \$1,900.00 in back child support, \$432.31 for medical expenses incurred by the children, \$1,022.28 for college expenses, and \$2,054.93 in pre-separation expenses. A hearing was held on November 9, 1994, in which both parties were allowed to present evidence and call witnesses on their behalf. After reviewing the documents provided by each party and considering testimony and statements by counsel, the court ordered that Jarone pay Betty \$450.00 in back child support, \$536.16 in pre-separation expenses, and \$359.77 in college expenses. Betty then filed a motion for rehearing, or, for the alternative relief, to reopen the hearing on December 5, 1994. The court denied the motion for rehearing on April 28, 1995, and a judgment consistent with the court's ruling was entered on June 29, 1995.

DISCUSSION

Findings of fact by the chancery court in the areas of divorce and child support will not be overturned by this Court unless manifestly wrong or clearly erroneous. *Bank of Mississippi v. Southern Memorial Park, Inc.*, No. 92-CA-01307-SCT, 1996 WL 317020, at *5 (Miss. June 13, 1996); *Nichols v. Tedder*, 547 So. 2d 766, 781 (Miss. 1989). So long as the chancellor's findings of fact are supported by substantial evidence in the record, we will not reverse. *Hammitt v. Woods*, 602 So. 2d 825, 827 (Miss. 1992).

Betty argues on appeal that she was not afforded an opportunity to be fully heard on all the issues raised in her pleading and, therefore, her right to due process was violated. Jarone counters that Betty was afforded a judicial hearing and allowed to present evidence; thus, she was not denied due process.

Procedural due process includes the opportunity to be heard, present witnesses, cross-examine opposing witnesses, and be represented by an attorney of one's choosing. *Montalvo v. Mississippi State Bd. of Medical Licensure*, 671 So. 2d 53, 57 (Miss. 1996). The record indicates that during the

November 9, 1994, hearing, Betty was allowed to personally testify and present evidence to support her claims. Also testifying were the two daughters whose expenses were at issue in the case. The chancellor afforded Betty ample opportunity to be heard. The findings of fact are supported by substantial evidence in the record. There is nothing to indicate that the chancellor was manifestly wrong or clearly erroneous. Accordingly, we affirm.

THE JUDGMENT OF THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY IS HEREBY AFFIRMED. ALL COSTS OF THIS APPEAL ARE TAXED TO THE APPELLANT.

FRAISER, C.J., BRIDGES AND THOMAS, P.JJ., BARBER, COLEMAN, KING, McMILLIN, PAYNE, AND SOUTHWICK, JJ., CONCUR.