MEMORANDUM DECISION ON REHEARING

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IN THE

Court of Appeals of Indiana

Damian Profancik,

Appellant-Respondent

v.

Leah Profancik,

Appellee-Petitioner

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Indiana Supreme Court
Court of Appeals
and Tax Court

April 4, 2024

Court of Appeals Case No.
23A-DR-1232

Appeal from the Johnson Superior Court

The Honorable Marla K. Clark, Judge

Trial Court Cause No.
41D04-1509-DR-545

Memorandum Decision by Judge Weissmann
Chief Judge Altice and Judge Kenworthy concur.

Weissmann, Judge.

[1] Damian Profancik (Father) seeks rehearing of our January 31, 2024, opinion affirming the trial court's order on, as relevant here, Father's child support arrearage payments. We reaffirm our opinion but grant rehearing to address the arrearage's repayment schedule.

[2] Briefly recapping the relevant facts, the trial court found that Father had a child support arrearage of $260,934.83 and ordered him to repay this amount in monthly installments of $5,000. The $5,000 monthly arrears payments were in addition to Father's regular child support payments of about $2,600 a month. Father contended that his arrearage repayment schedule was an abuse of the trial court's discretion as being unduly burdensome.

[3] We acknowledge that the monthly payments are a significant amount of money. And given the size of Father's overall arrearage, any repayment schedule that attempts to be completed in a timely manner will necessarily impose a burden. That said, Father did not prove an abuse of the trial court's discretion. Our rationale for this decision is identical to that of our prior opinion: "Put plainly, Father's arguments are undercut by his refusal to enter basic financial documents into the record." *Profancik v. Profancik*, No. 23A-DR-1232, at *3 (Ind. Ct. App. Jan. 24, 2024) (mem.). Given the evidence before the

trial court, we find no fault in the court's chosen repayment schedule.[1] *See Steele-Giri v. Steele*, 51 N.E.3d 119, 124 (Ind. 2016) (noting the "well-established preference in Indiana for granting latitude and deference to our trial judges in family law matters" (internal quotation omitted)).

[4] We grant Profancik's petition for rehearing but re-affirm our original opinion in full.

Altice, C.J., and Kenworthy, J., concur.

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[1] Of course, there can be circumstances where arrears payments twice as large as the current child support payments would be excessive. But this is not such a case.