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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Trinity)

In re the Marriage of RAYMOND PAUL
HARRIS and COLLEEN LYNN EDWARDS.

C067298

RAYMOND PAUL HARRIS,

(Super. Ct. No.
96FL0005)

Appellant,

v.

COLLEEN LYNN EDWARDS,

Respondent;

TRINITY COUNTY DEPARTMENT OF CHILD
SUPPORT SERVICES,

Respondent.

Raymond Harris, representing himself as he tries to navigate the family justice system, appeals from an order increasing the amount of monthly child support he receives for his two teenaged children from \$800 to \$852 a month based on retaining their mother's visitation at 38 percent. He did not

request a reporter's transcript. Neither the record nor the law supports his litany of complaints, insofar as we can decipher those complaints. The sole issue on appeal is whether the trial court abused its discretion in retaining the percentage of visitation and adjusting the child support upward. In the absence of a reporter's transcript, we can find no abuse of discretion and thus affirm.

THE BARE FACTS

It has been a long time since Harris's short marriage to Colleen Edwards ended. According to Harris, they were married in 1991; he filed for a dissolution of the marriage in January 1996, before their second child was born in June 1996. During protracted proceedings, he was awarded physical custody of the two children with 38 percent visitation to Edwards. On June 22, 2007, Edwards was ordered to pay child support of \$800 per month.

In December 2010 Harris filed a motion to modify child custody and child support. He alleged that Edwards visited the children no more than 7.5 hours each month from October 2009 through September 2010. He therefore requested a modification to reflect that his current physical custody of the children was actually 95 percent, with 5 percent visitation to Edwards.

Harris and Edwards both appeared in pro. per. at the hearing on Harris's motion. The minutes reflect that the mediator was ordered to meet with the parties. The court read and received into evidence the mediator's memorandum. The lawyer for the Trinity County Department of Child Support

Services (Department) informed the court she had contacted Edwards's employer, who confirmed Edwards worked 30 to 40 hours each week and paid \$570 per month in health insurance premiums for her own coverage and for that of the children. The minutes also reflect that Harris called Edwards to testify.

The trial court found that Edwards worked 40 hours per week at the rate of \$30 per hour and that she had 38 percent visitation with the children each month. Based on a calculation of support according to the guidelines, the court ordered Edwards to pay monthly support of \$852. Harris appeals.

DISCUSSION

In the absence of a reporter's transcript, there is little for us to review and nothing in the record before us to demonstrate an abuse of discretion. When the record on appeal consists entirely of a clerk's transcript, the scope of review is exceedingly limited. (*In re Marriage of Stutz* (1981) 126 Cal.App.3d 1038, 1042.) Every presumption is in favor of the validity of the trial court's order, we cannot substitute our deductions for the reasonable deductions drawn by the trial court, and the evidence is not subject to evidentiary challenges. (*Ibid.*; *In re Marriage of Utigard* (1981) 126 Cal.App.3d 133, 145 (*Utigard*); *In re Marriage of Connolly* (1979) 23 Cal.3d 590, 598.)

In sum, Harris fails to recognize that he bears a heavy burden of proof. An order modifying child support and determining visitation must be affirmed unless the trial court abused its discretion. (*In re Marriage of Leonard* (2004)

119 Cal.App.4th 546, 555.) We agree with the Attorney General that Harris fails to cite any evidence in the record demonstrating that the trial court abused its discretion. His long list of complaints relies on matters outside the record and/or that have no relevance to the solitary issue as to whether the trial court abused its discretion in modifying support and maintaining the visitation order.

On appeal, Harris tells a very sad story, apparently unaware that we are not at liberty to accept the truth of his naked allegations. In his telling, Harris is a disabled veteran facing foreclosure on his house as he struggles to meet the needs of his two children and a grandchild who is the product of a rape. Meanwhile, his story goes, the children's mother is living comfortably with a doctor, incurring few expenses, visiting her children rarely, and working full time as a nurse. The Department lawyer is vilified both personally and professionally. Harris premises most of his arguments on the unverified accusation that Edwards abused him and their children on multiple occasions.

There is no support for his contentions in the record before us. As to his many allegations of domestic abuse, the clerk in Trinity County reports that there are no documents in the record concerning domestic violence.

Harris complains that the trial court did not rule on his motion for a change in child custody. Not so. The only request in the record was a change in the percentage of visitation

granted to Edwards. The court did resolve that issue in finding that the 38 percent visitation would remain unchanged.

There is, however, substantial evidence to support the trial court's rulings and to rebut any suggestion that the trial court abused its discretion. The attorney for the Department reported that Edwards's employer confirmed Edwards worked 30 to 40 hours per week. She also denied Harris's accusation that she had advised Edwards to quit her job so as to reduce her obligation to pay support. In a finding favoring Harris, the court determined Edwards worked 40 hours per week. As a result, Harris actually was awarded a small increase in monthly support.

He recoils, however, against the guideline calculation premised on a continuation of Edwards's 38 percent visitation. He also complains that the mediator did not meet with the parties and the court did not follow the mediator's recommendations. We, however, are limited to the record before us. A copy of the mediator's recommendations is not included in the record, and Harris fails to cite to any authority to support his premise that the court was obligated to follow the recommendations or any argument as to how the recommendations were at odds with the court's findings. The minutes reflect that the court ordered the parties to meet with the mediator. And the court, having read and reviewed the mediator's report and having listened to Edwards's testimony, determined that the visitation should not be changed. Because Edwards testified at the hearing and there is no reporter's transcript, there is a presumption that she provided sufficient, persuasive evidence to

support the trial court's findings. (*Utigard, supra*, 126 Cal.App.3d at p. 145.) Without a reporter's transcript, we must presume there is evidentiary support for the trial court's findings. Simply put, Harris's appeal is totally without support in the record and totally without merit.

Any remaining challenges he makes are unsupported either by the record or by citations to pertinent legal authorities.

DISPOSITION

We affirm.

_____ RAYE _____, P. J.

We concur:

_____ BUTZ _____, J.

_____ MURRAY _____, J.