

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

In re the Marriage of MARY K. and ENRIQUE A.
BOBADILLA.

MARY K. BOBADILLA,

Respondent,

v.

ENRIQUE A. BOBADILLA,

Appellant;

PLACER COUNTY DEPARTMENT OF CHILD
SUPPORT SERVICES,

Respondent.

C069048

(Super. Ct. No. SDR24781)

Enrique A. Bobadilla (father) appeals from child and spousal support orders claiming that he was denied due process to prove his reduced income in 2010. As a result, father contends the trial court erred in denying father's motions to modify child and spousal support.

Father has elected to proceed on a clerk's transcript. (Cal. Rules of Court, rule 8.121.) Thus, the appellate record does not include a reporter's transcript of the hearing in this matter. This is referred to as a "judgment roll" appeal. (*Allen v. Toten* (1985) 172 Cal.App.3d 1079, 1082-1083; *Krueger v. Bank of America* (1983) 145 Cal.App.3d 204, 207.) On the face of this record, no error has been established. Accordingly, we affirm the trial court's orders.

FACTUAL AND PROCEDURAL SUMMARY

The limited record we have establishes that on June 23, 2011, the trial court heard father's motion to modify child support. Father appeared at the hearing without counsel, Mary K. Bobadilla (mother) was represented by counsel, and the Placer County Department of Child Support Services also appeared through counsel. The court heard testimony and took father's motion under submission.

The trial court subsequently issued a written ruling, concluding that father failed to demonstrate a material change of circumstances to warrant a modification of the prior order for child support. In reaching its decision, the court noted it was "skeptical" of father's explanation regarding his income. Thus, despite father's testimony to the contrary, the court found father continued to receive the same large sums of money from the family business in Mexico that he was receiving in 2009, when the initial order for support was issued.

In his motion to modify child support, father made several other requests for reimbursement from mother. Father wanted mother to reimburse him for the cost of having their child on his health insurance plan, to reimburse him for the tax consequences of not being able to claim their child as a dependent in 2009, and to reimburse him for having to provide duplicate financial documents for the hearing on his motion. The trial court denied each of his requests.

Father also asked the trial court "to relieve him of the obligation to pay \$1,800 in costs as ordered by Judge Kearney in 2009." That request was denied as an untimely

motion for reconsideration. The court also denied father's request to set a payment plan with respect to the order that he pay mother's attorney fees. Finally, the court set a date to hear father's request to modify spousal support.

Unhappy with the trial court's order, father filed a notice of motion, which he entitled, "Appeal for Hearing on June 23, 2011." In his "appeal," father argued the trial court was "wrong" about his income. He maintained his position that he was making significantly less money than the court found he was making. Father asked for an order shortening time to have the motion heard along with his motion to modify spousal support, but his request was denied.

On July 27, 2011, the parties appeared on father's motion to modify spousal support. Father's motion was denied.

On August 10, 2011, the trial court heard father's "Appeal for Hearing on June 23, 2011." Father's motion was denied. Father appeals from the trial court's orders.

I

Applicable Appellate Rules

On appeal, we must presume the trial court's judgment is correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Thus, we must adopt all inferences in favor of the judgment, unless the record expressly contradicts them. (See *Brewer v. Simpson* (1960) 53 Cal.2d 567, 583.)

It is the burden of the party challenging a judgment to provide an adequate record to assess claims of error. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) When an appeal is "on the judgment roll" (*Allen v. Toten, supra*, 172 Cal.App.3d at pp. 1082-1083), we must conclusively presume evidence was presented that is sufficient to support the court's findings. (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154.) Our review is limited to determining whether any error "appears on the face of the record." (*National Secretarial Service, Inc. v. Froehlich* (1989) 210 Cal.App.3d 510, 521; Cal. Rules of Court, rule 8.163.)

These restrictive rules of appellate procedure apply to father even though he is representing himself on appeal. (*Wantuch v. Davis* (1995) 32 Cal.App.4th 786, 795; *Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121; see also *Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638-639.)

II

Father's Income

Father contends the trial court erred in finding his annual income to be \$169,500, then denying his motions to modify child and spousal support. Father further contends “the court denied [him] the due process to prove what his income was in 2010.” Accordingly, he asks this court “to authorize or have the Superior Court authorize the Child and Spousal support payment to be based on [his] correct income of \$58,000.”

Following the hearing on June 23, 2011, the trial court explicitly found there was no material change of circumstances to warrant a modification of child support. Without a reporter’s transcript of that hearing, we must conclusively presume the evidence was sufficient to sustain that finding. (*Ehrler v. Ehrler, supra*, 126 Cal.App.3d at p. 154.)

When father “appealed” that order, the trial court denied his motion. Without a reporter’s transcript of that hearing, however, we must presume the court made sufficient findings to support its decision. That is, we must presume the court found its prior decision was supported by the evidence. Namely, that there was no material change of circumstances warranting a modification of child support. Furthermore, we must conclusively presume the evidence was sufficient to sustain those findings. (*Ehrler v. Ehrler, supra*, 126 Cal.App.3d at p. 154.) On the face of this record, we conclude there is no error.

The trial court also denied father’s motion to modify spousal support. Again, without a reporter’s transcript of the hearing, we must presume the court made sufficient findings to support its decision. That is, we must presume the court found father failed to demonstrate a material change of circumstances subsequent to the prior order for spousal

support. (*In re Marriage of Farrell* (1985) 171 Cal.App.3d 695, 700.) Furthermore, we must conclusively presume the evidence was sufficient to sustain those findings. (*Ehrler v. Ehrler, supra*, 126 Cal.App.3d at p. 154.) On the face of this record, we conclude there is no error.

DISPOSITION

The orders of the trial court are affirmed.

HOCH, J.

We concur:

HULL, Acting P. J.

MAURO, J.