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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**THIRD APPELLATE DISTRICT**

**(Tehama)**

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COUNTY OF TEHAMA et al.,  
  
Plaintiffs and Respondents,  
  
v.  
  
DEREK TODD,  
  
Defendant and Appellant.

C069094  
  
(Super. Ct. No. FL64944)

Defendant Derek Todd brings this pro se judgment roll appeal from a family court judgment that he pay \$80 per month in child support for his son.

Because he has failed to demonstrate error, we shall affirm.

**FACTUAL BACKGROUND**

The limited record on appeal establishes that Todd and Crystal Williams are the parents of one son. The child lives with Williams and, with the exception of a single month, Todd

spent no visitation time with his son between August 2010 and April 2011.

At some time prior to May 2001, the County of Tehama filed an action to establish Todd's child support obligation; the complaint is not in the record on appeal. Todd answered, and opposed the County's proposed child support order. He filed an income and expense declaration averring that his only cash income, \$661 per month, comes from disability payments.

A child support hearing was held July 21, 2011. The County, Williams and Todd appeared; no reporter's transcript of that hearing appears in the record. The trial court's "Ruling re Child Support" states that, after it conducted an "inquiry," it concluded Todd should receive a "deduction" from his income for the support expense paid for his child from another relationship, and that he must pay \$80 per month in guideline child support for his son with Williams.

### **DISCUSSION**

Todd contends the court failed to make the low-income adjustment to his child support obligation contemplated by the applicable statute. A proper application of that adjustment, he argues, would reduce his monthly child support obligation from \$80 to \$37.78.

On the record available on this judgment roll appeal, we find no reversible error.

## I. Applicable Standards of Review

Child support orders are reviewed for an abuse of discretion. (*In re Marriage of Cheriton* (2001) 92 Cal.App.4th 269, 282.) In this appeal from the court's support order, Todd has elected to proceed on a clerk's transcript. (Cal. Rules of Court, rule 8.120.) No reporter's transcript of the hearing in this contested matter appears in the record on appeal.

In any appeal, we must presume the trial court's judgment, or order, is correct. (See *Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) In service of that rule, we adopt all intendments and inferences to affirm the judgment or order 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 or order on appeal to provide an adequate record to assess error. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) Thus, an appellant must not present just an analysis of the facts and legal authority on each point made; he or she must support arguments with appropriate citations to the material facts in the record. If an appellant fails to do so, the argument is forfeited. (*County of Solano v. Vallejo Redevelopment Agency* (1999) 75 Cal.App.4th 1262, 1274; *Duarte v. Chino Community Hospital* (1999) 72 Cal.App.4th 849, 856.)

Todd is not exempt from the rules governing appeals because he is representing himself in propria persona. A party representing himself is to be treated like any other party and

is entitled to the same, but no greater, consideration than other litigants having attorneys. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246-1247; see *Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121 [self-represented parties are held to "the same 'restrictive procedural rules as an attorney'"].)

Because Todd provides us with only a clerk's transcript, we must treat this as an appeal "on the judgment roll." (*Allen v. Toten* (1985) 172 Cal.App.3d 1079, 1082-1083; *Krueger v. Bank of America* (1983) 145 Cal.App.3d 204, 207.) Therefore, we "must conclusively presume that the evidence is ample to sustain the [trial court's] findings.'" (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154 (*Ehrler*).) Our review is limited to determining whether any error "appears on the face of the record." (*In re Marriage of Hall* (2000) 81 Cal.App.4th 313, 316; Cal. Rules of Court, rule 8.163.)

## **II. Todd Has Failed to Show Reversible Error**

In California there is a "statewide uniform guideline for determining child support orders." (Fam. Code, § 4055, subd. (a);<sup>1</sup> see *In re Marriage of Katzberg* (2001) 88 Cal.App.4th 974, 979-980.) Section 4055 sets forth the uniform guideline formula

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<sup>1</sup> Undesignated statutory references are to the Family Code.

for child support determinations; this guideline is an algebraic formula.<sup>2</sup> If the court orders child support in an amount other

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<sup>2</sup> Section 4055 provides, in relevant part:

“(a) The statewide uniform guideline for determining child support is as follows:  $CS = K [HN - (H\%) (TN)]$ .

“(b)

“(1) The components of the formula are as follows:

“(A) CS = child support amount.

“(B) K = amount of both parents’ income to be allocated for child support as set forth in paragraph (3).

“(C) HN = high earner’s net monthly disposable income.

“(D) H% = approximate percentage of time that the high earner has or will have primary physical responsibility for the children compared to the other parent. . . .

“(E) TN = total net monthly disposable income of both parties.

“(2) To compute net disposable income, see Section 4059.

“(3) K (amount of both parents’ income allocated for child support) equals one plus H% (if H% is less than or equal to 50 percent) or two minus H% (if H% is greater than 50 percent) times the following fraction:

<b>“Total Net Disposable Income Per Month</b>	<b>K</b>
“\$0-800	0.20 + TN/16,000
“\$801-6,666	0.25
“\$6,667-10,000	0.10 + 1,000/TN
“Over \$10,000	0.12 + 800/TN

“[¶] . . . [¶] (7) In all cases in which the net disposable income per month of the obligor is less than one thousand dollars (\$1,000), there shall be a rebuttable presumption that the obligor is entitled to a low-income adjustment. The presumption may be rebutted by evidence showing that the application of the low-income adjustment would be unjust and inappropriate in the particular case. In determining whether the presumption is rebutted, the court shall consider the principles provided in Section 4053, and the impact of the contemplated adjustment on the respective net incomes of the

than that directed by applying the guideline formula, it must state "in writing or on the record" the reasons why the amount of support ordered differs from the guideline amount. (§ 4056, subd. (a)(2); *In re Marriage of Hall, supra*, 81 Cal.App.4th at p. 316.)

Section 4055, subdivision (b)(7) provides that, if the obligor parent's net disposable income per month is less than \$1,000, "there shall be a rebuttable presumption" that the obligor parent is entitled to a low-income adjustment, but the presumption "may be rebutted by evidence showing that the application of the low-income adjustment would be unjust and inappropriate in the particular case." (See *City & County of San Francisco v. Miller* (1996) 49 Cal.App.4th 866, 869.)

Todd is correct that the trial court made no low-income adjustment to his support obligation. The record on appeal

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obligor and the obligee. The low-income adjustment shall reduce the child support amount otherwise determined under this section by an amount that is no greater than the amount calculated by multiplying the child support amount otherwise determined under this section by a fraction, the numerator of which is 1,000 minus the obligor's net disposable income per month, and the denominator of which is 1,000. [¶] . . . [¶]

"(c) If a court uses a computer to calculate the child support order, the computer program shall not automatically default affirmatively or negatively on whether a low-income adjustment is to be applied. If the low-income adjustment is applied, the computer program shall not provide the amount of the low-income adjustment. Instead, the computer program shall ask the user whether or not to apply the low-income adjustment, and if answered affirmatively, the computer program shall provide the range of the adjustment permitted by paragraph (7) of subdivision (b)."

includes the computer-generated child support guideline calculation; that document, on its face, shows no low-income adjustment was made.

But this omission constitutes error only if the presumption to which Todd would otherwise have been entitled by virtue of his low monthly income was not "rebutted by evidence showing that the application of the low-income adjustment would be unjust and inappropriate" in this case. (Cf. Fam. Code, § 4055, subd. (b)(7).) On a judgment roll appeal, as we have explained, our review is limited to error that appears on the face of the record. (See *In re Marriage of Hall*, supra, 81 Cal.App.4th at p. 316.) We presume official duties have been regularly performed (Evid. Code, § 664), and this presumption applies to the actions of trial judges (see *People v. Duran* (2002) 97 Cal.App.4th 1448, 1461-1462, fn. 5; *Olivia v. Suglio* (1956) 139 Cal.App.2d 7, 9 ["If the invalidity does not appear on the face of the record, it will be presumed that what ought to have been done was not only done but rightly done."]). Without a reporter's transcript, we must conclusively presume the trial court properly found that it would be unjust and inappropriate to grant Todd a low-income adjustment (Fam. Code, § 4056, subd. (a)(2)), and that sufficient evidence was introduced to rebut the presumption in favor of granting him the adjustment. (*Ehrler*, supra, 126 Cal.App.3d at p. 154.)

Because the record does not show error by the court, we cannot reverse the support order.

**DISPOSITION**

The judgment of the trial court (child support order) is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1), (2), (5).)

\_\_\_\_\_ BUTZ \_\_\_\_\_, J.

We concur:

\_\_\_\_\_ NICHOLSON \_\_\_\_\_, Acting P. J.

\_\_\_\_\_ HOCH \_\_\_\_\_, J.