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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

DEREK A. TODD,

Plaintiff and Appellant,

v.

SONDRA M. HOFFMAN,

Defendant and Respondent;

PLACER COUNTY CHILD SUPPORT SERVICES,

Intervener.

C070162

(Super. Ct. No.
SFS25521)

Plaintiff Derek Todd brings this pro se judgment roll appeal from a family court order that he pay \$84 per month in child support for his daughter. Because he has failed to demonstrate error, we shall affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

The limited record on appeal establishes that Todd and Sondra M. Hoffman are the parents of one daughter.

In 2008, following a contested hearing, the Solano County Superior Court ordered Todd to pay \$240 in child support, comprised of \$6 per month in guideline support, plus \$234 in monthly child care expenses. In 2010, the Solano County Superior Court modified the support order and directed Todd to pay a total of \$97 in monthly child support.

In September 2011, Todd filed the instant petition in Placer County Superior Court, seeking a "recalculation" of his child support obligation so as to reduce his monthly payment from \$97 to \$84, because he is "on permanent disability and qualified for the hardship deduction under [Family Code section] 4055(7)." Todd also sought to recover amounts he paid in child care during 2008 and 2009 under the 2008 support order, and the difference between what he paid in support under the 2010 order (\$97 per month), and what he contended he should have paid (\$84 per month).

The trial court held a contested child support hearing; the Placer County Department of Child Support Services (the County), Todd, and Hoffman appeared. We were not provided with a reporter's transcript of that hearing, but the trial court's order after hearing required Todd to pay Hoffman \$84 per month in guideline child support, as well as one-half of any uninsured health care costs and one-half of any work-related day care expenses.

DISCUSSION

I

Applicable Standards of Review

We review child support orders for abuse of discretion. (*In re Marriage of Cheriton* (2001) 92 Cal.App.4th 269, 282.) Todd has elected to proceed on a clerk's transcript, without providing a transcript. (See Cal. Rules of Court, rule 8.120.)

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.) Applying 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 (*Marriage of Hall*); Cal. Rules of Court, rule 8.163.) Specifically, without a reporter's transcript of the proceedings, we cannot entertain Todd's multiple contentions that he was denied a "fair trial," in contravention of the Fifth Amendment to the United States Constitution.

II

Analysis

A. Low-Income Adjustment

Todd first 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 \$84 to \$75.83.

In California, there is a "statewide uniform guideline for determining child support orders." (Fam. Code,¹ § 4055, subd. (a); see *In re Marriage of Katzberg* (2001) 88 Cal.App.4th 974, 979-980.) Section 4055 sets forth the uniform guideline formula for child support determinations; this guideline is an algebraic formula.² If the court orders child support in an amount other

¹ Further undesignated statutory references are to the Family Code.

² Todd does not challenge the specifics of the formula; instead, he discusses those subdivisions addressing the low-income adjustment--subdivisions (b)(7) and (c). These subdivisions read as follows:

"(b)

"[¶] . . . [¶] (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 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

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); *Marriage of Hall, supra*, 81 Cal.App.4th at p. 316.)

Section 4055, subdivision (b)(7) provides in part 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 his income qualifies for a low-income adjustment to his support obligation, and the trial court did not check the box on its form order indicating that "the low-income adjustment applies." The County argues, however, that the court in fact made the presumptive adjustment: the guideline calculation results summary attached to the support order shows a range of basic child support amounts from \$84 to \$145, and the court chose the lowest award in the permissible guideline range.

On a judgment roll appeal, as we have explained, our review is limited to error that appears on the face of the record.

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)."

(See *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 that sufficient evidence was introduced to support the child support award. (*Ehrler, supra*, 126 Cal.App.3d at p. 154.) Todd has not shown the trial court abused its discretion.

B. Order to Pay One-Half Day Care and Medical Expenses

Todd next contends the trial court erred in ordering him to pay one-half of the day care and uninsured medical expenses for his daughter.

In addition to basic child support established by the guideline formula in section 4055, subdivision (a), "the trial court *must* order certain other costs as additional support, including childcare costs related to employment" (*In re Marriage of Tavares* (2007) 151 Cal.App.4th 620, 625; § 4062, subd. (a)(1); see § 4061, subd. (a) [amounts ordered under section 4062 are "additional child support"].) If there needs to be an apportionment of such childcare expenses, they "shall be divided one-half to each parent, unless either parent requests a different apportionment pursuant to subdivision (b)

and presents documentation which demonstrates that a different apportionment would be more appropriate." (§ 4061, subd. (a).)

Without a reporter's transcript, we must conclusively presume, in favor of the challenged order, either that Todd (1) failed to request a different apportionment, as contemplated by section 4061, or (2) failed to present documentation sufficient to demonstrate that a different apportionment would be more appropriate. (See *Ehrler, supra*, 126 Cal.App.3d at p. 154.)

Similarly, in addition to basic child support established by the guideline formula in section 4055, subdivision (a), the court "shall order . . . [t]he reasonable uninsured health care costs for the children as provided in Section 4063." (§ 4062, subd. (a)(2).) While there is no similar provision regarding apportionment of health care costs, Todd fails to show in this judgment roll appeal that he requested a different apportionment, or that the trial court abused its discretion in ordering him to share those costs equally with the child's mother.

Todd also contends he cannot afford to pay day care and medical expenses and, because his "limited income is a direct result of his disability, . . . the court order violated the Americans With Disabilities Act of 1990 [42 U.S.C. § 12101 et seq.]." Todd's claim fails, however, because it is not supported by any meaningful argument or citations to relevant legal authority. (*People v. Hardy* (1992) 2 Cal.4th 86, 150 [a reviewing court need not address any issue purportedly raised without argument or citation to relevant authority]; *Guthrey v.*

State of California (1998) 63 Cal.App.4th 1108, 1115-1116 [merely setting forth general legal principles without specifically demonstrating how they establish error is insufficient to raise a cognizable issue on appeal]; *Estate of Hoffman* (1963) 213 Cal.App.2d 635, 639 ["It is the duty of [appellant] to support his claim by argument and citation of authority"].)

C. Reimbursement for Amounts Previously Paid

Finally, Todd contends that trial court erred in not granting him reimbursement for day care expenses ordered by the Solano County Superior Court in 2008 and for his "overpayment" due to a "miscalculation" of child support contained in the Solano County Superior Court's 2010 support order.

This contention is forfeited by Todd's apparent failure to timely appeal from those orders; further, he is effectively requesting an impermissible retroactive modification of child support. (See Fam. Code, §§ 3651, 3653.) Except under circumstances not present here, section 3561 provides that "a support order may not be modified or terminated as to an amount that accrued before the date of the filing of the notice of motion or order to show cause to modify or terminate." (§ 351, subd. (c)(1).) "Although a decree for support 'may be modified as to installments to become due in the future[,] as to accrued installments it is final.' [Citation.]" (*In re Marriage of Perez* (1995) 35 Cal.App.4th 77, 80; see also *County of Santa Clara v. Perry* (1998) 18 Cal.4th 435, 441.) Thus Todd's claim fails.

DISPOSITION

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

DUARTE, J.

We concur:

BLEASE, Acting P. J.

ROBIE, J.