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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

COUNTY OF SOLANO et al.,

Plaintiffs,

v.

CRYSTAL ARCHER,

Defendant and Respondent;

DEREK TODD,

Appellant.

C070206

(Super. Ct. No. CVFS092059)

Plaintiff Derek Todd brings this pro se judgment roll appeal from a family court order that denied his motion to recover \$37,490 in “back child support” Todd paid pursuant to a 2001 support order. Because he has failed to demonstrate error, we affirm the order.

FACTS AND PROCEEDINGS

The limited record on appeal establishes that Todd and Crystal Archer are the parents of one son.

In 2001, the Solano County Superior Court entered an order that Todd pay \$100 per month in child support expenses for his son, stating that it did so in accordance with a stipulation between the parties.

In September 2011, Todd filed the instant petition in Yolo County Superior Court, and asserted he never agreed to the 2001 child support order, and the order should not have been made pursuant to Family Code section 4065. (Unspecified section references that follow are to the Family Code.) Todd requested “corrections to past child support calculations” and an order that Archer reimburse him \$37,490 for child support he paid between 1998 and 2009.

A contested hearing was held; the Yolo County Department of Child Support Services (the County), Todd, and Archer appeared. No reporter’s transcript of that hearing appears in the record on appeal. The court’s order after hearing states that Todd’s request is denied as unsupported by authority. We note that the order also reflects that “Mother advised the court that she has a case out of Tehama County that orders father to pay her child support of \$80.00 per month, beginning May 1, 2011 and ongoing.”

DISCUSSION

I

Applicable Standards of Review

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.) Accordingly, 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; see also *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.) In particular, 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. Our review is limited to determining whether any error “appears on the face of the record.” (Cal. Rules of Court, rule 8.163; see also *In re Marriage of Hall* (2000) 81 Cal.App.4th 313, 316.)

II

Todd Has Failed to Show Reversible Error

Todd contends the child support order made in 2001 by the Solano County Superior Court violated section 4065 because he did not stipulate to its entry, the amount

Todd was ordered to pay was below the guideline formula, and the agreement was ordered without a hearing.

California's strong public policy in favor of adequate child support is expressed in statutes embodying the statewide uniform child support guideline. (See §§ 4050–4076; *In re Marriage of Bodo* (2011) 198 Cal.App.4th 373, 386.) In setting guideline support, courts are required to adhere to the principles set forth in section 4053, which include: (1) “A parent’s first and principal obligation is to support his or her minor children according to the parent’s circumstances and station in life”; (2) “[b]oth parents are mutually responsible for the support of their children”; (3) “[e]ach parent should pay for the support of the children according to his or her ability”; (4) “[c]hild support orders in cases in which both parents have high levels of responsibility for the children should reflect the increased costs of raising the children in two homes and should minimize significant disparities in the children’s living standards in the two homes”; and (5) “[c]hildren should share in the standard of living of both parents. Child support may therefore appropriately improve the standard of living of the custodial household to improve the lives of the children.” (§ 4053, subd. (a), (b), (d), (f), (g); see *Marriage of Bodo* at p. 385.)

To implement these policies, courts are required to calculate child support in accordance with the mathematical formula in section 4055. (*In re Marriage of Cheriton* (2001) 92 Cal.App.4th 269, 284.) The trial court may not depart from the guideline except in the special circumstances enumerated in section 4057, which include the obligor parent’s “extraordinarily high income” and cases where the “parties have stipulated to a different amount of child support under subdivision (a) of Section 4065.” (§ 4057, subd. (b)(1), (3); *Marriage of Bodo, supra*, 198 Cal.App.4th at pp. 385–386.)

Todd has failed to show the trial court erred in declining his request to find the 2001 child support order was entered in violation of section 4065. 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 that sufficient evidence supports the trial court’s order, and the trial court properly rejected Todd’s challenge to the regularity of the 2001 support order. Nothing on the face of the record on appeal suggests otherwise. (*Ehrler v. Ehrler, supra*, 126 Cal.App.3d at p. 154.)

Even were we to conclude the 2001 order *was* erroneously entered, Todd would not be entitled to the relief he seeks. Todd claims he should be permitted to recover from Archer the child support he paid while the 2001 order was in place: in so doing, Todd is effectively requesting an impermissible retroactive modification of child support. (See §§ 3651, 3653.) Except under circumstances not present here, section 3651 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.” (§ 3651, subd. (c)(1).) “Although a decree for support ‘may be modified as to installments to become due in the future[,] [a]s to accrued installments it is final.’ ” (*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.) Todd may not now seek to recover amounts he paid prior to bringing the instant motion.

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).)

_____ HULL _____, J.

We concur:

_____ BLEASE _____, Acting P. J.

_____ MAURO _____, J.