

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

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KEVIN PAYNE,

Plaintiff and Appellant,

v.

MARIE PAYNE (HUNTINGTON),

Defendant and Respondent;

PLACER COUNTY DEPARTMENT  
OF CHILD SUPPORT SERVICES,

Intervener and Respondent.

C079922

(Super. Ct. No. SDR17242)

Appellant Kevin Payne (Father) appeals from a court order denying his motion to retroactively modify a child support order. Father raises a single claim on appeal: the trial court abused its discretion in denying his motion.

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.) Father's claim is not supported by the record. Accordingly, we affirm the trial court's order.

The limited record on appeal includes only the order from which Father is appealing, the notice of appeal, and the notice designating the record on appeal. Thus, all we know is that on June 25, 2015, a contested hearing was held, both parties were present, and Father was represented by counsel.

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.)

Father contends the trial court abused its discretion in denying his motion. Absent a reporter's transcript, we presume official duties have been regularly performed (Evid. Code, § 664), and this presumption applies to the actions of trial judges. (*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"].) Accordingly, we presume on this record the trial court properly exercised its discretion by correctly applying the law and giving due consideration to the evidence before it,

including both the written submissions by the parties and the testimony given at the hearing. (See *Olivia v. Suglio, supra*, 139 Cal.App.2d at p. 9.) We further presume the evidence was sufficient to support the order. (*Ehrler v. Ehrler, supra*, 126 Cal.App.3d at p. 154.)

DISPOSITION

The trial court's order is affirmed.

\_\_\_\_\_/s/  
HOCH, J.

We concur:

\_\_\_\_\_/s/  
DUARTE, Acting P. J.

\_\_\_\_\_/s/  
RENNER, J.