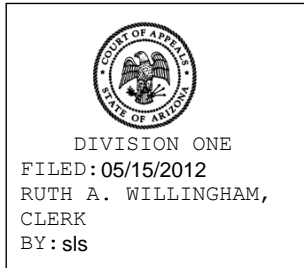


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



STATE OF ARIZONA ex rel. THE) 1 CA-CV 11-0324
DEPARTMENT OF ECONOMIC SECURITY)
(SHERRI ANN ORTEGA),) DEPARTMENT B
)
Petitioners/Appellees,) **MEMORANDUM DECISION**
) (Not for Publication -
v.) Rule 28, Arizona Rules
) of Civil Appellate
MICHAEL JAMES BELOIT,) Procedure)
)
Respondent/Appellant.)
_____)

Appeal from the Superior Court of Maricopa County

Cause No. FC2010-004808

The Honorable Jacki Ireland, Commissioner

AFFIRMED

Michael James Beloit, *In propria persona* Glendale
Respondent/Appellant

Sherri Ann Ortega, *In propria persona* Glendale
Plaintiff/Appellee

T H O M P S O N, Judge

¶1 Michael James Beloit (husband) appeals from the trial court's child support order requiring him to pay \$505.00 a month in child support and \$50.00 a month in child support arrears. For the following reasons, we affirm.

¶2 Husband and Sherri Ann Ortega (wife) were married in 2003, after the birth of their children Joseph in 1998 and Manuel in 2002. Wife filed for divorce in July 2010. The trial court entered temporary orders, granted the divorce, and subsequently held a child support review hearing in March 2011. The court adopted the state's worksheet regarding entry of a current child support order and judgment for past support, requiring husband to pay wife \$505.00 per month for child support beginning April 1, 2011, and \$50.00 per month toward arrears. The court used \$14.00 an hour as husband's gross hourly income and \$9.25 an hour for wife's gross hourly income.

¶3 Husband timely appealed.¹ We have jurisdiction pursuant to A.R.S. § 12-2101(B) (2003).

DISCUSSION

¶4 On appeal, husband argues that the trial court abused its discretion in attributing \$14.00 an hour gross hourly income to him in making its child support determination. In husband's affidavit of financial information (AFI), filed in August 2010, husband lists his total gross income from January 1, 2010 to the date of his AFI as \$27,594. This comes out to significantly more than \$14.00 an

¹ Husband's notice of appeal appeals from "Minute Entry dated 3/23/2010." In his opening brief he again refers to "Minute Entry dated 3/23/2010," but later refers to "Minute Entry dated 3/30/11 that incorrectly stated I make \$14 an hour." The "Modification Judgment and Order" signed by the court was dated March 28, 2011 and filed on March 31, 2011. We presume that this is the order husband intends to appeal from.

hour. However, the AFI also states that husband was unemployed at the time he submitted the AFI after his deployment to Afghanistan with the U.S. Army ended in July 2010 and he left the Army. Husband's gross hourly income at his previous job was \$20 an hour.

¶5 We have not been provided with a transcript of the hearing below. Thus, we do not know what other evidence might have been presented in support of the amount of income attributed to husband.² See *State ex rel. Dept. of Econ. Sec. v. Burton*, 205 Ariz. 27, 30, ¶ 16, 66 P.3d 70, 73 (App. 2003) (where the entire record is not provided on appeal, the appellate court presumes the missing portions of the record would support the trial court's findings and conclusions). Accordingly, we find no abuse of discretion. To the extent that husband argues that his income has changed significantly since the time of the hearing, we note that we are bound by the record available to the trial court at the time the child support order was entered and may not consider new evidence on appeal.

² Wife maintains that the Commissioner came up with the \$14 an hour figure by adding together and then dividing in half minimum wage plus the low end of an electrician's salary. Without a transcript, there is no way for us to know whether this is how the \$14 an hour figure was arrived at.

¶6 We affirm the trial court's child support order.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

PATRICIA A. OROZCO, Presiding Judge

/s/

JOHN C. GEMMILL, Judge