

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

CHARLES T. VRANA, *Petitioner/Appellant*,

v.

DONNA M. VRANA, *Respondent/Appellee*,

STATE OF ARIZONA, *ex rel.*,
DEPARTMENT OF ECONOMIC SECURITY,
Intervenor/Appellee.

No. 1 CA-CV 16-0679 FC
FILED 10-31-2017

Appeal from the Superior Court in Maricopa County
No. FC2005-000543
The Honorable Roger L. Hartsell, Judge *Pro Tempore*
The Honorable Alyson M. Foster, Judge *Pro Tempore* (Retired)

AFFIRMED

COUNSEL

Charles T. Vrana, Scottsdale
Petitioner/Appellant

MEMORANDUM DECISION

Judge Maria Elena Cruz delivered the decision of the Court, in which Presiding Judge Lawrence F. Winthrop and Judge Diane M. Johnsen joined.

C R U Z, Judge:

¶1 Charles T. Vrana (“Father”) appeals the superior court’s modification of child support. For the following reasons, we affirm.

FACTUAL AND PROCEDURAL HISTORY

¶2 Father petitioned for dissolution of marriage from Donna Vrana (“Mother”) in 2005. The court entered a consent decree of dissolution, wherein Father agreed to pay child support. In September 2016, the superior court granted the Arizona Department of Economic Security’s request to increase Father’s support obligation.

¶3 Father timely appealed.¹ We have jurisdiction pursuant to Arizona Revised Statutes section 12-2101(A)(1).

DISCUSSION

¶4 Father admits the “current monthly obligation to pay [Mother] is just.” However, without offering any legal reasoning or authority, he protests the superior court’s modification of child support on the basis that the court did not consider his past earnings, living expenses, and tax returns for the years beginning in 2013. *See* ARCAP 13(a)(7)(A)-(B) (requiring parties to provide supporting reasons for each issue raised on appeal with citations to legal authority and references to the record on appeal). We review a modification of child support for an abuse of discretion. *Little v. Little*, 193 Ariz. 518, 520, ¶ 5 (1999).

¶5 The superior court issued its order modifying child support after hearing testimony from Father and Mother. Father, however, did not provide this Court with a transcript of the hearing. As the appellant, Father “is responsible for making certain the record on appeal contains all transcripts or other documents necessary for [this Court] to consider the

¹ Mother did not file an answering brief. Therefore, we consider this appeal based on the record and the opening brief alone.

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issues raised on appeal.” *Baker v. Baker*, 183 Ariz. 70, 73 (App. 1995); *see also* ARCAP 11(c)(1)(A)-(B) (providing that it is the appellant’s duty to order and include in the record transcripts of all relevant proceedings).

¶6 When a party fails to include necessary items in the record on appeal, “we assume the missing portions of the record would support the [superior] court’s findings and conclusions.” *State ex rel. Dep’t of Econ. Sec. v. Burton*, 205 Ariz. 27, 30, ¶ 16 (App. 2003) (citation omitted); *see also Lewis v. Oliver*, 178 Ariz. 330, 338 (App. 1993) (“We will consider only those matters in the record before us and presume that, as to matters not in our record, the record before the [superior] court supported its ruling.”) (citation omitted).

¶7 In the absence of a complete record and given Father’s own admission that the modified support award is just, we presume both that substantial evidence exists to support the superior court’s factual findings and that the court properly exercised its discretion. *See Burton*, 205 Ariz. at 30, ¶ 16. We therefore conclude on that basis that the superior court did not abuse its discretion or misapply the law in modifying child support.

CONCLUSION

¶8 We affirm the superior court’s modification of child support.



AMY M. WOOD • Clerk of the Court
FILED: AA