

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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In re the Matter of:

SHEALYN KAYE NOE-WILLIS,  
*Petitioner/Appellee,*

*v.*

JOSEPH DANIEL NOE-WILLIS,  
*Respondent/Appellant.*

No. 1 CA-CV 20-0525 FC  
FILED 5-6-2021

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Appeal from the Superior Court in Maricopa County  
No. FC2019-097399  
The Honorable John L. Blanchard, Judge

**AFFIRMED**

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COUNSEL

Joseph Daniel Noe-Willis, Knoxville, TN  
*Respondent/Appellant*

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**MEMORANDUM DECISION**

Judge Samuel A. Thumma delivered the decision of the Court, in which  
Presiding Judge Kent E. Cattani and Judge Brian Y. Furuya joined.

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**T H U M M A**, Judge:

¶1 Appellant Joseph Daniel Noe-Willis (Father) challenges a decree of dissolution, mainly parenting time and support for a minor child provision. Because Father has shown no error, the decree is affirmed.

**FACTUAL AND PROCEDURAL HISTORY**

¶2 Appellee Shealyn Kaye Noe-Willis (Mother) petitioned for dissolution of the marriage in October 2019. Mother lives in Arizona; Father now lives in Tennessee. After trial, the court entered a decree granting the parties joint legal decision-making authority, naming Mother as the child's primary residential parent and granting Father 60 days of summer parenting time plus seven days "during school breaks lasting two weeks or more." The decree also ordered Father to pay \$400 per month in child support. This court has jurisdiction over Father's timely appeal pursuant to Article 6, Section 9, of the Arizona Constitution and Arizona Revised Statutes (A.R.S.) sections 12-120.21(A)(1) and -2101(A)(1)(2021).<sup>1</sup>

**DISCUSSION**

¶3 This court reviews legal decision-making authority, parenting time and child support determinations for an abuse of discretion. *Sherman v. Sherman*, 241 Ariz. 110, 112 ¶ 9 (App. 2016); *Nold v. Nold*, 232 Ariz. 270, 273 ¶ 11 (App. 2013).

¶4 Father argues the court "refused to admit important evidence" and the decree "was not justified by the evidence." Specifically, he challenges the court-appointed advisor's report, contending the advisor (1) did not have relevant emails from Father; (2) "did not reply or respond to" his "communication attempts" following his interview and (3) did not obtain a Department of Child Services report. He also argues that the child support award lacked "any proper court ordered documentation" from Mother and that the decree incorrectly assigned health insurance

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<sup>1</sup> Absent material revisions after the relevant dates, statutes and rules cited refer to the current version unless otherwise indicated. Mother's failure to file an answering brief could be considered a confession of error, the court is not required to view it as such, particularly when the best interests of a minor child are at issue. *See In re Marriage of Diezsi*, 201 Ariz. 524, 525 ¶ 2 (App. 2002).

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responsibility. Accordingly, Father asks that the parenting plan be modified on remand to designate him as the child's primary residential parent.

¶5 An appellant who "contend[s] on appeal that a judgment, finding or conclusion, is unsupported by the evidence or is contrary to the evidence . . . must include in the record transcripts of all proceedings containing evidence relevant to that judgment, finding or conclusion." ARCAP 11(c)(1)(B). Father did not provide a trial transcript. Thus, the court assumes the trial evidence supports the court's findings and conclusions for the issues Father challenges on appeal. *Hefner v. Hefner*, 248 Ariz. 54, 60 ¶ 19 (App. 2019).

¶6 Father also cites Arizona Rules of Family Law Procedure 85(b), but he did not file a Rule 85(b) motion in the superior court. Accordingly, he has waived any Rule 85(b) argument. *See Christy C. v. Arizona Dept. of Econ. Sec.*, 214 Ariz. 445, 452 ¶ 21 (App. 2007) ("We generally do not consider objections raised for the first time on appeal."); *Romero v. Sw. Ambulance*, 211 Ariz. 200, 204 ¶ 7 (App. 2005) (arguments not presented to the superior court are waived on appeal).

CONCLUSION

¶7 Because Father has shown no error, the decree is affirmed.



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