IN THE

ARIZONA COURT OF APPEALS

DIVISION TWO

IN RE THE MARRIAGE OF

JEFFREY SCOTT BROWN,
Appellee,

and

BETHANY BROWN,
Appellant.

No. 2 CA-CV 2022-0034-FC
Filed November 18, 2022

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pima County
No. D20091532
The Honorable Patricia A. Green, Judge Pro Tempore

AFFIRMED

COUNSEL

Terri L. Pones, Oro Valley
Counsel for Appellee

Bethany Brown, Tucson
In Propria Persona

MEMORANDUM DECISION

Presiding Judge Eckerstrom authored the decision of the Court, in which Chief Judge Vásquez and Judge Cattani concurred.

E C K E R S T R O M, Presiding Judge:

¶1 Bethany Brown appeals from the trial court's 2022 order requiring her to pay $444 per month in child support. In particular, she challenges the court's calculation of her support obligation, which was based on her working forty hours a week at minimum wage. She maintains that her physical condition renders her unable to work full time, and thus "the amount and paying child support at all is in question." We have jurisdiction pursuant to A.R.S. § 12-120.21(A)(1) and, for the reasons that follow, we affirm.

Discussion

¶2 Brown is not represented by counsel. Nonetheless, we afford her "the same consideration on appeal as one who has been represented by counsel," while holding her to "the same familiarity with court procedures and the same notice of . . . rules . . . as is expected of a lawyer." *Higgins v. Higgins*, 194 Ariz. 266, ¶ 12 (App. 1999).

¶3 Brown's opening brief does not comply with our procedural rules. *See* Ariz. R. Civ. App. P. 13(a). Most importantly, it fails to provide "citations of legal authorities . . . on which [she] relies." Ariz. R. Civ. App. P. 13(a)(7)(A). Brown challenges the trial court's finding with regard to her earnings and her ability to pay the ordered child support. Although she states a clear issue for review, the failure to develop any legal argument or cite any legal authority in support of her claims renders these claims waived. *See Ritchie v. Krasner*, 221 Ariz. 288, ¶ 62 (App. 2009) ("Opening briefs must present and address significant arguments, supported by authority[,] that set forth the appellant's position on the issue in question."); *see also Boswell v. Fintelmann*, 242 Ariz. 52, n.3 (App. 2017) (claims not supported by legal argument waived).

¶4 Waiver notwithstanding, we find nothing in the record suggesting Brown would be entitled to relief. We review a trial court's determinations on whether or how to modify an award of child support for abuse of discretion. *In re Marriage of Robinson & Thiel*, 201 Ariz. 328, ¶ 5

(App. 2001). Brown's only claim of error—that the court erroneously attributed to her the income available to full-time, minimum-wage employees, without considering her stated medical difficulties and related decreased earning potential—was based on the evidence and testimony the parties presented at the review hearing. We have no basis upon which to second-guess the trial court's support calculation, which rests on its factual assessments. *See Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, ¶ 12 (App. 2002) (appellate court does not re-weigh evidence and defers to fact-finder's assessment of witness credibility).

¶5 Further, "in the absence of contrary testimony," the trial court "shall presume" that each parent "is capable of full-time employment at least at the applicable state or federal adult minimum wage, whichever is higher." A.R.S. § 25-320(N). The record reflects that Brown submitted a financial affidavit, a phone log, a printout of text messages, a copy of typed notes, and a copy of a letter for consideration at the review hearing, but no other documents to support her earnings capability. Brown has not included a transcript of the hearing in the appellate record. *See* Ariz. R. Civ. App. P. 11(c)(1)(B) ("If the appellant will contend on appeal that a judgment, finding or conclusion, is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record transcripts of all proceedings containing evidence relevant to that judgment, finding or conclusion."). In the absence of a transcript, we presume that whatever transpired at the hearing supported the trial court's findings. *Baker v. Baker*, 183 Ariz. 70, 73 (App. 1995). With that presumption, and viewed in the light most favorable to upholding the ruling, *Vincent v. Nelson*, 238 Ariz. 150, ¶ 17 (App. 2015), we find nothing in the record to suggest the trial court abused its discretion in presuming Brown was capable of full-time employment.

Disposition

¶6 For the foregoing reasons, we affirm.