

STATE OF MICHIGAN
COURT OF APPEALS

KIM WORK,

Plaintiff-Appellee,

v

DANIEL A. REYNARD,

Defendant-Appellant.

UNPUBLISHED

December 4, 1998

No. 205070

Lenawee Circuit Court

LC No. 96-017748 DC

Before: Sawyer, P.J., and Wahls and Hoekstra, JJ.

MEMORANDUM.

Defendant appeals as of right the child support order and custody order entered by the trial court. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that the order, effective from the date of the child's birth, was improperly retroactive to a date preceding the filing of this action. We disagree.

An award of child support rests in the sound discretion of the trial court. *Ghidotti v Barber (On Remand)*, 222 Mich App 373, 377; 564 NW2d 141 (1997). The party appealing the support order bears the burden of showing an abuse of discretion. *Thompson v Merritt*, 192 Mich App 412, 416; 481 NW2d 735 (1991).

The statutory language of MCL 722.717(2); MSA 25.497(2) provides for the payment of the necessary expenses incurred for the support of the child prior to the making of the order of filiation. *Thompson, supra* at 422. A trial court's order made effective on the date of the child's birth is not a retroactive modification of a support order. *Id.* The order provided for the payments of expenses incurred prior to the entry of judgment, which is allowed by statute. *Id.* There is no merit to defendant's claim.

Affirmed.

/s/ David H. Sawyer

/s/ Myron H. Wahls

/s/ Joel P. Hoekstra