STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1346

In re the Marriage of:
Jean Hunt Hanratty, petitioner,
Respondent,

vs.

Timothy Jerome Hanratty,
Appellant.

Filed March 15, 2011
Affirmed
Schellhas, Judge

Hennepin County District Court
File No. 27-FA-000239863

Franz F. Davis, Franz F. Davis & Associates PLLC, Minneapolis, Minnesota; and

J. Lee Novelli, Kathleen M. Newman & Associates P.A., Minneapolis, Minnesota (for respondent)

Robert W. Due, Susan A. Daudelin, Mackall, Crounse & Moore PLC, Minneapolis, Minnesota (for appellant)

Considered and decided by Shumaker, Presiding Judge; Halbrooks, Judge; and Schellhas, Judge.

U N P U B L I S H E D O P I N I O N

SCHELLHAS, Judge

Appellant-father challenges the district court's denial of his motion to terminate his child-support obligation on the basis that his disabled adult son now resides in a group

home where his care would be publicly funded if he did not receive child support. Appellant-father argues that there has been a substantial change in circumstances rendering the existing order unreasonable and unfair and makes a variety of other arguments regarding the inappropriateness of his obligation. We affirm.

FACTS

Appellant-father Timothy Hanratty and respondent-mother Jean Hanratty have an adult son, T.J.H., who is disabled and is unable to care for himself. On November 8, 1999, when T.J.H. was 21 years old, the probate court appointed mother as T.J.H.'s conservator, granting her "the power and duty" to, among other things: have custody of T.J.H.; establish his "place of abode"; provide for his "care, comfort, and maintenance, including food, clothing, shelter, health care, social and recreational requirements, and if appropriate, training, education and rehabilitation"; and "[g]ive any necessary consent to enable [T.J.H.] to receive necessary medical or other professional care, counsel, treatment or service."

Father and mother were divorced by a January 29, 2001 judgment and decree. The district court bifurcated the proceedings, leaving custody, visitation, child support, and other issues for later reconsideration. On May 4, 2001, the court entered a stipulated order memorializing the parties' agreement that, in light of T.J.H.'s age, "the Family Court lacks jurisdiction over the issue of [T.J.H.'s] legal and physical custody." The court accordingly made no order regarding custody of T.J.H. in its February 19, 2002 amended judgment and decree, stating that his custody "has been arranged through probate court." But the court ordered father to pay mother child support for T.J.H.'s

benefit in the amount of $2,000 per month "until [T.J.H.'s] death or until further order of the Court."

For the next several years, T.J.H. lived with mother, who provided for all of his daily needs. But on March 16, 2009, T.J.H. moved to a group home. His care at the group home costs approximately $6,500 per month as of July 2009, paid primarily through his Hennepin County medical assistance. But the medical-assistance program requires T.J.H. to contribute a monthly "spenddown," which the county calculates as the sum of his income less a personal-needs allowance. For the purposes of calculating the spenddown, the county attributes father's child-support obligation to T.J.H. as income, which, when combined with T.J.H.'s job income and reduced by his personal-needs allowance, leaves him responsible for a spenddown of $2,399 per month. Mother pays the entirety of father's child-support payments over to the group home to contribute to the spenddown.

On September 10, 2009, after finding out that mother had moved T.J.H. to the group home, father filed a motion to terminate his child-support obligation. According to father, an official from the group home told him that "if there were no child support, the cost of [T.J.H.'s] care would be entirely covered by state and federal funding."[1] Father reasoned that his payments were therefore no longer necessary to support T.J.H., and that because he pays so much in income taxes, he is "effectively funding [T.J.H.'s] care twice." Father also argued that, because T.J.H. was living in the group home and

[1] The theory behind this appears to be that if T.J.H. stopped receiving father's child support, his medical-assistance spenddown would be commensurately reduced.

receiving public assistance, his child-support payments were actually parental contributions under Minn. Stat. §§ 252.27, subd. 2a(a) (Supp. 2009), and 256B.14 (2008), and that only parents of *minor* children are liable for such contributions.

The district court denied father's motion, finding that "[n]othing in [T.J.H.'s] situation has changed since [the February 19, 2002] Judgment and Decree and [T.J.H.] is still incapable of self-support," and noting that it would be unfair to allow father to discontinue support of his son and shift the burden to taxpayers. The court accordingly concluded that father's support obligation would not change.

Father filed a motion for amended findings, which the district court denied. This appeal follows.

D E C I S I O N

The district court may impose a child-support obligation on one parent in favor of the other for the maintenance of the parties' child. Minn. Stat. § 518A.38, subd. 1 (2008).[2] For the purposes of the child-support laws, the term "child" includes "an individual who, by reason of physical or mental condition, is incapable of self-support." Minn. Stat. § 518A.26, subd. 5 (2008). A child-support obligor may move to have his support obligation modified by showing that the existing order has become unreasonable and unfair because, among other things, the needs of the child have substantially decreased since the initial award, or the child has become emancipated, i.e., no longer falls within the definition of a "child" entitled to support. Minn. Stat. § 518A.39, subds.

[2] Modifications of support are governed by the law in effect at the time of the modification motion. *Hadrava v. Hadrava*, 357 N.W.2d 376, 379 (Minn. App. 1984).

1, 2(a)(2), (8) (2008). The movant bears the burden of showing both a substantial change in circumstances and the resulting unreasonableness and unfairness of the existing support order. *Bormann v. Bormann*, 644 N.W.2d 478, 481 (Minn. App. 2002).

The district court has broad discretion in ruling on motions to modify support obligations. *Putz v. Putz*, 645 N.W.2d 343, 347 (Minn. 2002). We will reverse the district court's decision only if the district court abused its discretion by resolving the matter in a manner that is against logic and the facts on record, *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984), or by misapplying the law, *Ver Kuilen v. Ver Kuilen*, 578 N.W.2d 790, 792 (Minn. App. 1998).

Father argues that substantial changes in circumstances have rendered his current child-support obligation unreasonable and unfair justifying a termination of his support obligation. He also makes several additional arguments, including that mother is not the real party in interest, that the order violated his equal-protection rights, and that several human-services statutes entitle him to be free of his obligation.

Substantial Change in Circumstances

Father argues that the substantial changes in circumstances are: T.J.H. no longer lives with mother; and T.J.H. is no longer an individual incapable of self support, and thus no longer a "child" eligible for support, due to the "considerable government resources available to him."

T.J.H.'s Change in Residence

Father cites *Buntje v. Buntje* for the proposition that "a change in physical custody is normally a change of circumstances that makes an original support order unreasonable

and unfair." 511 N.W.2d 479, 481 (Minn. App. 1994) (citing *Gerardy v. Gerardy*, 406 N.W.2d 10, 13 (Minn. App. 1987)). In *Gerardy*, on which *Buntje* relies, this court recognized that an increase in one parent's physical custody will "unavoidably increase [that parent's] needs and cost of living," justifying a support modification. *Gerardy*, 406 N.W.2d at 13; *see also Ruppert v. Schmidt*, 539 N.W.2d 607, 612 (Minn. App. 1995) ("Presumptively, a change in custody may change the needs of the relevant parties, including the needs of the child.").

Here, the district court found that, regardless of T.J.H's move to the group home, his needs had *not* decreased. This finding is supported by ample evidence in the record. T.J.H. has continued need for 24-hour care; he "requires a significant amount of assistance in all areas of daily living, and requires complete supervision"; he "must be prompted repeatedly to take small bites of food, or he will choke on large bites"; he "needs to have his hair washed by someone twice a day to prevent psoriasis"; he "requires total assistance with shaving"; he "needs to use wipes during toileting to prevent infection"; he "cannot tie his shoe laces or close his pants without assistance"; he "requires constant supervision and needs total assistance to get around the community"; and "he works in the community with constant on site staff supervision." And although T.J.H.'s care is now provided by group-home staff rather than by mother personally, mother continues to contribute all of the child-support money to T.J.H.'s medical-assistance spenddown, which must be met to cover his group-home costs.

We conclude that, under the circumstances of this case, the district court did not abuse its discretion by determining that T.J.H.'s change in residence did not constitute a substantial change in circumstances justifying modification of father's support obligation.

Whether T.J.H. Continues to Be an Individual Incapable of Self Support

Father also argues that a substantial change in circumstances exists because T.J.H. is no longer an individual incapable of self support, given the resources available to him at the group home. Father's argument appears to be that because T.J.H.'s care would be fully funded by government programs (due to a reduction in his spenddown) if he did not receive child support, he is capable of supporting himself without his parents' support, and is therefore no longer an individual incapable of self support.

Whether a child is emancipated is a question of fact, and a district court's finding on the issue will not be reversed unless clearly erroneous. *Streitz v. Streitz*, 363 N.W.2d 135, 137 (Minn. App. 1985). "Findings of fact are clearly erroneous when they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *Kampf v. Kampf*, 732 N.W.2d 630, 633 (Minn. App. 2007) (quotation omitted), *review denied* (Minn. Aug. 21, 2007). Here, the district court found that T.J.H. remained incapable of self support and reaffirmed this finding after father challenged it in his motion for amended findings. The district court did not explain its finding in detail, but the finding is consistent with the substantial evidence in the record that T.J.H. continues to require 24-hour care, whether that care is provided by mother or group-home staff.

Father argues that the district court's finding is insufficient because the court appears to have considered only T.J.H.'s needs, without considering the resources available to T.J.H. Father relies on Minn. Stat. § 518A.43, subd. 1(2) (2008), which requires the court to consider "the extraordinary financial needs and resources . . . of the child to be supported" when "setting or modifying child support."

Deciding a motion to modify child support comprises two distinct steps: first, the court must determine, under section 518A.39, whether a modification is permissible, and, second, the court decides how the support should be modified under Minn. Stat. §§ 518A.27 – .38 (2008), subject to the provisions of Minn. Stat. §§ 518A.42 – .43 (2008). *Moylan v. Moylan*, 384 N.W.2d 859, 864 (Minn. 1986) (discussing predecessor statutes). The mandatory considerations enumerated in section 518A.43 relate exclusively to the "setting or modifying" of a child-support obligation under the second step—they are not binding on the separate, threshold question of whether a modification is appropriate under section 518A.39, or the even narrower question of whether an individual is incapable of self support. *See* Minn. Stat. § 518A.43, subd. 1 ("In addition to the child support guidelines and other factors used to calculate the child support obligation under section 518A.34, the court must take into consideration the following factors in setting or modifying child support or in determining whether to deviate upward or downward from the presumptive child support obligation . . . ."). Because section 518A.43 does not apply to the issue at hand, it did not require the district court to look at the question of whether T.J.H. has become capable of self support from the perspective of the resources available to him.

We conclude that the district court's finding is neither clearly erroneous nor insufficient, and we will not disturb it.

Unreasonableness and Unfairness

Even if father had established a substantial change in circumstances, he would still be required to establish that the change rendered the existing order unreasonable and unfair. Minn. Stat. § 518A.39, subd. 2(a); *Bormann*, 644 N.W.2d at 481 (stating that burden is on movant to show unreasonableness and unfairness). Father's original basis for his request for termination of his support obligation was that his support was no longer necessary because, if it were terminated, taxpayer-funded public-assistance programs would cover the cost of T.J.H.'s care; essentially, father argued that it was unfair to require him to fund his son's care when the taxpayers could do it.

The district court rejected this argument, writing about it at length in its order denying father's motion. Father argues that the district court's reliance on the interests of the taxpayers as a basis for denying his motion was improper. But the district court makes the point that it is not unreasonable or unfair to require a father with over $1.2 million in annual income to continue to contribute to the support of his disabled adult child rather than shifting the burden to "a state that is cutting programs for [its] most vulnerable citizens." And the district court's concerns are not unprecedented in the context of a motion to terminate child support. In *Swanson v. Swanson*, this court noted that because "the primary obligation for the support of a child should fall on parents rather than the public," it is inappropriate to terminate a support obligation on the ground that the obligee now receives public assistance. 372 N.W.2d 420, 423 (Minn. App.

1985). Given father's burden to show that his existing obligation was unreasonable and unfair, the district court did not abuse its discretion by considering the fact that, if father's obligation were eliminated, the financial burden would fall to the taxpayers.

Because father failed to demonstrate a substantial change in circumstances that renders the existing order unreasonable and unfair, the district court did not abuse its discretion by denying his motion to terminate his support obligation.

Real Party in Interest

Father argues that the state, rather than mother, is the ultimate recipient of his support payments, and that mother therefore is not a real party in interest, depriving the district court of authority to require father to continue to make payments to her. Father relies on *Austin v. Austin*, in which this court held that, where *the county had custody* of a disabled adult child, it could not bring a motion in the name of the mother to modify the father's support obligation. 481 N.W.2d 884, 886 (Minn. App. 1992). The issue in *Austin* was whether the mother was the real party in interest under Minn. R. Civ. P. 17.01, given that she did not have custody of the child. *Id.* This court held that because the county had custody, it was the real party in interest and should have brought the modification motion in its own name. *Id.* This court expressly noted, however, that *if the mother were the legal custodian of the child*, she would have standing to claim support. *Id.*

First, rule 17.01 states that "[e]very action shall be *prosecuted* in the name of the real party in interest." (Emphasis added.) In *Austin*, the county prosecuted, in the mother's name, a motion to modify the father's support obligation, even though it was the

county, and not the mother, who had custody and received the support. 481 N.W.2d at 886. Rule 17.01 says nothing about whether a child-support obligee, who is the non-moving party to a motion to modify the obligor's support obligation, may prevail on such a motion.

More importantly, *Austin* is distinguishable because in this case, mother, not the state or the county, has custody of T.J.H. pursuant to the November 8, 1999 conservatorship order. In addition to awarding mother custody, the order gave her "the power and duty" to establish T.J.H.'s place of abode and to provide for his care, comfort, and maintenance. And as T.J.H.'s custodian, mother is still the recipient of father's child-support payments, which she pays to the group home, not to the state or county, to cover T.J.H.'s spenddown. Neither the state nor the county has attempted to redirect father's payments to it, unlike in *Austin*, where the father made payments directly to the county. Nothing in *Austin* suggests that, merely because T.J.H. does not sleep under the same roof as mother, she is no longer a real party in interest to a proceeding to modify support payable to her as T.J.H.'s custodian. On the contrary, *Austin* provides that mother, as T.J.H.'s custodian, *is* the real party in interest in this case. *See* 481 N.W.2d at 886 (stating that mother would have standing if she had custody). Father's real-party-in-interest argument therefore fails.

Liability for Welfare of Adult Child

Father next argues that, under the human-services laws, the legislature and the Minnesota Department of Human Services have limited liability for the costs of out-of-home care to parents of *minor* children only and that father therefore cannot be required

to contribute, through child support, to T.J.H.'s group-home expenses. Father primarily points to Minn. Stat. § 252.27, subd. 2a(a), which provides that "[t]he natural or adoptive parents of a *minor child* . . . must contribute to the cost of . . . medical services . . . needed by the child with a chronic illness or disability." (Emphasis added.) Father also notes that Minn. Stat. § 256B.14, subds. 1 and 2, provide that state and county agencies have a cause of action for contribution payments against "the parent of a *minor* recipient" of medical assistance. (Emphasis added.) Finally, he points out that Minn. R. 9525.1840, subp. 1 (2009), provides that "[t]he parent or parents of *a person under age 18* shall be liable for a parental contribution fee determined according to Minnesota Statutes sections 252.27, subdivision 2, and 256B.14, if the person resides outside the home of the parent or parents." (Emphasis added.)

Father seems to assume that because T.J.H. receives public assistance, father's child-support obligation is a parental contribution subject to the provisions of these laws. But a child-support obligation and a parental contribution are separate obligations that may be assessed concurrently against a parent. *See* Minn. Stat. § 252.27, subd. 2a(g) (Supp. 2009) (acknowledging that child-support obligation and parental contribution may coexist, and explaining how child-support obligation will affect calculation of parental contribution). Section 252.27, subdivision 2a, along with the other statute and rule father cites, *create* liability, separate from child support, for parents of minors receiving certain public services. *See* Minn. Stat. §§ 252.27, subd. 2a(a) (stating that parents "must contribute" to minor child's medical services); 256B.14 (giving state or county a cause of action against parents of minor aid recipient); Minn. R. 9525.1840, subp. 1 (stating that

parents of persons under 18 "shall be liable" for parental contribution). But contrary to father's assertions, nothing in these laws "explicitly limits liability" to such parents, or insulates the parent of an adult, disabled child from liability for a child-support obligation as determined under the child-support laws, Minn. Stat. §§ 518A.26 – .78 (2008). Father's argument that he is not liable for child support determined under sections 518A.26 – .78 because some other statutes related to other types of obligations apply to the parents of *minor* children is unsupported by the plain language of any of the statutes involved.

Equal Protection

Father argues that the district court's "imposition of a contribution obligation" on him violates his constitutional right to equal protection because (1) the court imposed no similar obligation on mother, and (2) the "contribution obligation" was "in the form of guideline child support," which applies only to divorced parents, while there is no similar mechanism for obligating married parents to support their disabled adult child.

Again, the district court did not assess a "contribution obligation" on father—it denied his motion to modify his *child-support* obligation. The mere fact that T.J.H. receives public assistance does not convert father's child-support obligation to a parental contribution. *See* Minn. Stat. § 252.27, subd. 2a(g) (acknowledging that child-support obligation and parental contribution may coexist). But father argues that even if the obligation is viewed as a child-support obligation, the order violates his equal-protection rights because imposing the obligation "only on the father without legitimate

justification, as well as the disparate impact of such a decision on divorced parents of disabled children, rises to the level of an equal protection violation."

"The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution provides in relevant part '[no state shall] deny to any person within its jurisdiction the equal protection of the laws.'" *Doll v. Barnell*, 693 N.W.2d 455, 462 (Minn. App. 2005) (quoting U.S. Const. amend. XIV, § 1), *review denied* (Minn. June 14, 2005). "An equal protection analysis begins with the mandate that all similarly situated individuals shall be treated alike, but only 'invidious discrimination' is deemed constitutionally offensive." *Id.* (quoting *In re Estate of Turner*, 391 N.W.2d 767, 769 (Minn. 1986)).

Custodian vs. Noncustodian

Father first argues that his equal-protection rights were violated because the district court imposed a support obligation on him, but not on mother, although T.J.H. lives with neither of them. To succeed in an equal-protection challenge of a child-support obligation on the basis of discrimination between two parents, the challenging parent must first make a "threshold showing" that the parents are similarly situated. *Id.* This court has held that custodial and noncustodial parents are not similarly situated, based on the rationale that "the custodian, in contrast to the noncustodian, has 'not only the right but also the duty of providing daily care and control of and residence for the child.'" *Id.* (quoting *Kammueller v. Kammueller*, 672 N.W.2d 594, 600 (Minn. App. 2003)). Although it is undisputed that neither father nor mother *personally* provides T.J.H.'s daily care or residence, the conservatorship order imposed on mother, but not on

father, the power and duty to establish T.J.H.'s abode and to provide for his care, which she has done by placing him at the group home and using the support money to contribute to his spenddown. Father has failed to make a "threshold showing" that he and mother are similarly situated; his claim that his equal-protection rights were violated by the district court's imposition of a child-support burden on him but not on mother therefore fails.

Married vs. Divorced Parents

Father next argues that the district court's imposition of his child-support obligation had a "disparate impact . . . on divorced parents of disabled children," reasoning that while the court may impose a child-support obligation on the divorced parent of an adult disabled child, the law provides no similar mechanism for obligating a still-married parent to support his or her adult disabled child. A parent making this argument must first make a "threshold showing[] that married and unmarried persons with disabled children are similarly situated." *Jarvela v. Burke*, 678 N.W.2d 68, 72 (Minn. App. 2004), *review denied* (Minn. July 20, 2004). In *Jarvela*, confronted with the same argument father makes today, this court held that "[m]arried and unmarried persons are not similarly situated." *Id.* Father has made no showing that the situation here is any different. Because he has failed to make a threshold showing that he, as the divorced parent of an adult disabled child, is similarly situated with a still-married parent of an adult disabled child, his equal-protection claim on this basis fails.

Mother's Contribution Obligation

Father argues that section 252.27, subdivision 2a(g), requires that mother also be liable for contribution. *See* Minn. Stat. § 252.27, subd. 2a(g) ("Parents of a minor child who do not live with each other shall *each* pay the contribution required under paragraph (a)." (emphasis added)). First, as discussed above, this is a child-support matter subject to sections 518A.26 – .78, not a parental-contribution case in which the state or county is seeking reimbursement under section 252.27. *See* Minn. Stat. § 252.27, subd. 2a(g) (recognizing that child-support obligation and parental contribution may coexist). Second, as father readily acknowledges, section 252.27, subdivision 2a, applies to parents of *minor* children. No basis exists for the district court or this court, in the context of a motion to modify child support, to assess a section 252.27 parental contribution against mother.

Section 256.87

Father argues that the district court erred by "transplanting" the definition of "child" found in the child-support statutes "into the statutes governing whether [father] is obligated, under Minn. Stat. § 256.87 [2008], to make a parental contribution to the financial assistance provided to" T.J.H. Section 256.87 provides that "[a] parent of a child is liable for the amount of public assistance . . . furnished to and for the benefit of the child . . . which the parent has had the ability to pay." This section contains no definition of "child," and father argues that the traditional definition of a person under the age of 18 should apply.

But proceedings under section 256.87 are distinct from and do not affect child-support obligations. *Cnty. of Isanti v. Formhals*, 358 N.W.2d 703, 706 (Minn. App. 1984). This was not a proceeding under section 256.87—it was a motion to modify father's child-support obligation, in which he was required to show a substantial change in circumstances rendering his current obligation unreasonable and unfair. Father's argument that the district court used the wrong definition of "child" in its application of section 256.87 has no bearing on the decision in this case because it did not arise under or depend on the application of that statute.

State's Opportunity to Assert its Position

Father argues that because sections 256.87 and 256B.14 give the state a cause of action for contribution payments against the parent of certain recipients of public assistance, the proper procedure would be for the district court to terminate his child-support obligation and then allow the state to bring an action to collect a parental contribution from him, "if such a proceeding were even permissible" given the apparent limitation of liability in these statutes to the parents of *minor* children. Father argues that the district court "short circuit[ed]" the state's opportunity to bring such a claim, and implicitly, his opportunity to assert the minor-children-only defense.

But, in making this argument, father again ignores that the only issue in this case is whether he has shown a substantial change in circumstances that renders the existing support order unreasonable or unfair. *See* Minn. Stat. § 518A.39, subd. 2(a). As discussed above, he has failed to do so. And father has pointed to no law suggesting that a child-support obligation and a parental contribution cannot coexist—on the contrary,

the law acknowledges that they can. *See* Minn. Stat. § 252.27, subd. 2a(g) (recognizing that a child-support obligation and a parental contribution for public assistance may coexist); *Formhals*, 358 N.W.2d at 706 (recognizing that a proceeding under section 256.87 is distinct from and does not modify a child-support obligation). Thus, the mere fact that the district court has refused to terminate father's support obligation does not affect the state's ability to act under sections 256.87 or 256B.14 as father suggests.

Section 518A.49

Father argues that, even within the context of this proceeding, under Minn. Stat. § 518A.49(b), the state could have intervened to assert its interests, but did not do so. He seems to suggest that, because the state has not intervened, it has acquiesced to his request to terminate support of his son and pass that burden to the taxpayers.

But by its terms, section 518A.49(b) applies only to IV-D cases. A IV-D case is "a case where a party has assigned to the state rights to child support because of the receipt of public assistance as defined in section 256.741 or has applied for child support services under title IV-D of the Social Security Act, United States Code, title 42, section 654(4)." Minn. Stat. § 518A.26, subd. 10. Nothing in the record suggests that this case meets this definition—mother has not "assigned" her right to support to the state, but rather pays over the support money she receives to the group home to cover T.J.H.'s medical-assistance spenddown. Because this case is not a IV-D case, section 518A.49 does not apply. And even if it did apply, nothing in the statute suggests that the district court's decision in this case was improper—just because the state may intervene in a IV-D case says nothing about a parent's obligation when the state does not.

Section 518A.36

Father points out that Minnesota law requires that "[e]very child support order shall specify the percentage of parenting time granted to or presumed for each parent," Minn. Stat. § 518A.36, subd. 1(a), and notes that the district court's order in this case did not do so. He does not explicitly say so, but seems to imply that the district court's order is reversible as a result.

But this provision of section 518A.36, subdivision 1(a), is not applicable to the order at issue here. A "support order" is defined, in relevant part, as a "judgment, decree, or order . . . for the support and maintenance of a child." Minn. Stat. § 518A.26, subd. 21. The order providing for the support and maintenance of T.J.H. in this case is the 2002 amended judgment and decree, from which father did not appeal; the order at issue in *this* appeal is the order denying his motion to terminate his support obligation. The provision of section 518A.36, subdivision 1(a), to which father points requires only that "[e]very child support order" specify parenting time for the purposes of calculating the parenting-expense adjustment. Because the order at issue on this appeal is not a "support order" and has nothing to do with the parenting-expense adjustment, the provision that father cites is inapplicable.

Because father has not demonstrated a substantial change in circumstances rendering the existing support order unreasonable and unfair and because his other arguments regarding his support obligation lack merit, we affirm.

Affirmed.