

IN THE UTAH COURT OF APPEALS

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| Monte Bambrough, |) | MEMORANDUM DECISION | |
| |) | (Not For Official Publication) | |
| Petitioner and Appellee, |) | | |
| |) | Case No. 20061176-CA | |
| v. |) | | |
| |) | F I L E D | |
| Maria Bambrough, |) | (March 13, 2008) | |
| |) | | |
| Respondent and Appellant. |) | <table border="1"><tr><td>2008 UT App 89</td></tr></table> | 2008 UT App 89 |
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Second District, Ogden Department, 900902374
The Honorable Ernest W. Jones

Attorneys: Denise P. Larkin, Ogden, for Appellant
 Martin W. Custen, Ogden, for Appellee

Before Judges Billings, Davis, and McHugh.

McHUGH, Judge:

Maria Bambrough (Mother) appeals the trial court's denial of her petition to increase the amount of child support paid by Monte Bambrough (Father) and to modify allocation of the child tax exemption. We affirm.

"In reviewing child . . . support proceedings, we accord substantial deference to the trial court's findings and give it considerable latitude in fashioning the appropriate relief." Ball v. Peterson, 912 P.2d 1006, 1009 (Utah Ct. App. 1996) (alteration in original) (quoting Woodward v. Woodward, 709 P.2d 393, 394 (Utah 1985)). "We will not disturb the district court's actions unless the court exceeded the limits of its permitted discretion." Id.

When, as in this case, "the combined adjusted gross income [of the parents] exceeds the highest level specified in the table [set forth in section 78-45-7.14], an appropriate and just child support amount shall be ordered [by the trial court] on a case-by-case basis." Utah Code Ann. § 78-45-7.12 (2002); see also id. § 78-45-7.14. Thus, "[a] trial court[] must 'consider and make specific findings on all "appropriate and just" factors' including the children's reasonable needs." Reinhart v.

Reinhart, 963 P.2d 757, 760 (Utah Ct. App. 1998) (emphasis added) (quoting Ball, 912 P.2d at 1014).

Here, Mother argues the trial court abused its discretion when it refused to increase the amount of child support. However, Mother has failed to demonstrate the trial court's ruling exceeded the limits of its permitted discretion. Indeed, there are numerous unchallenged facts supporting the court's ruling. Mother does nothing to explain why these facts are insufficient to support that ruling, but instead rehashes the same facts and arguments she presented below. "'[O]ur role is not to substitute our own findings for those of the trial court, but to examine the record for evidence supporting the judgment.'" Baker v. Baker, 866 P.2d 540, 543 (Utah Ct. App. 1993) (quoting Shioji v. Shioji, 712 P.2d 197, 201 (Utah 1985)). In this case, there is ample evidence supporting the trial court's ruling. Accordingly, we reject Mother's argument on this issue.¹

Mother further contends the trial court abused its discretion because it issued its ruling without allowing Mother to present certain evidence regarding Father's "expenses." Mother argues the expenses were relevant to Father's "situation" and "standard of living" and, therefore, necessary for an "appropriate and just" order. "We will not disturb the trial court's ruling on the admissibility of evidence absent an abuse of discretion." State v. Aase, 762 P.2d 1113, 1116 (Utah Ct. App. 1988).

While we agree that a parent's standard of living may, under some circumstances, be relevant to a trial court's overall determination of what is "appropriate and just," we disagree that the trial court exceeded its discretion when it excluded this particular evidence.² There is a distinct difference between

1. For these same reasons, we also reject Mother's arguments concerning the trial court's decision not to reallocate the child tax credit.

2. We also disagree with Mother's argument that section 78-45-7(3) is applicable in this case. Section 78-45-7(3)(a)-(h) enumerates factors the trial court must consider when deviating from the guidelines set forth in section 78-45-7.14. See Utah Code Ann. § 78-45-7(3)(a)-(h) (2002). However, there was no deviation from the guidelines in this case: The relevant guidelines do not provide a presumptive amount when the combined adjusted gross income exceeds \$10,100 per month. See id. § 78-45-7.14 (amended 2007); Baker v. Baker, 866 P.2d 540, 545 (Utah Ct. App. 1993) (finding trial court was not required to consider
(continued...)

understanding a parent's standard of living, and delving into every expense that parent may have incurred in the preceding years.³ Here, Mother had already introduced detailed evidence regarding Father's income, home, and automobiles. This evidence was more than sufficient for the trial court to understand Father's standard of living. Accordingly, the trial court did not exceed its discretion when it excluded the additional evidence Mother sought to introduce.

Because we rule the trial court did not abuse its discretion when it denied Mother's petition for modification, we affirm.

Affirmed.

Carolyn B. McHugh, Judge

WE CONCUR:

Judith M. Billings, Judge

James Z. Davis, Judge

2. (...continued)
factors when income and award exceed guidelines). While the trial court may consider the factors listed in section 78-45-7(3)(a)-(h) when determining what is "an appropriate and just child support amount," see Utah Code Ann. § 78-45-7.12 (2002), section 78-45-7(3) does not compel it to do so.

3. Our ruling does not mandate exclusion of evidence concerning a parent's expenses. Instead, we simply acknowledge the trial court can limit the introduction of evidence that is cumulative or irrelevant. See Utah R. Evid. 403; see also Diversified Holdings, LC v. Turner, 2002 UT 129, ¶ 6, 63 P.3d 686 ("We review a trial court's decision to admit or exclude evidence under Rule 403 . . . under an abuse of discretion standard, and will not overturn a lower court's determination of admissibility unless it is beyond the limits of reasonability." (internal quotation marks omitted)).