

IN THE UTAH COURT OF APPEALS

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Sheryl Devereaux,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	Case No. 20050709-CA
)	
v.)	F I L E D
)	(December 7, 2006)
Todd Devereaux,)	
)	2006 UT App 493
Respondent and Appellee.)	

Fourth District, Provo Department, 964401781
The Honorable Anthony W. Schofield

Attorneys: Sheryl Devereaux, West Jordan, Appellant Pro Se
 Brian C. Harrison, Provo, for Appellee

Before Judges Greenwood, Davis, and Thorne.

GREENWOOD, Associate Presiding Judge:

Sheryl Devereaux (Wife) appeals the trial court's order requiring her to pay four years of past-due child support and her share of the children's medical bills. Wife argues that the trial court was without jurisdiction to rule on these issues because it had previously done so.¹ We affirm.

"Trial courts may exercise broad discretion in divorce matters so long as the decision is within the confines of legal precedence." Childs v. Childs, 967 P.2d 942, 944 (Utah Ct. App. 1998) (quotations and citation omitted). "Where the trial court may exercise broad discretion, we presume the correctness of the

¹Wife also raises arguments regarding attorney fees, a modification to visitation, and the trial court's bias and refusal to consider evidence. We will not address these arguments because they were inadequately briefed. See Valcarce v. Fitzgerald, 961 P.2d 305, 313 (Utah 1998) ("It is well established that an appellate court will decline to consider an argument that a party has failed to adequately brief.").

court's decision absent 'manifest injustice or inequity that indicates a clear abuse of . . . discretion.'" Id. (omission in original) (quoting Hansen v. Hansen, 736 P.2d 1055, 1056 (Utah Ct. App. 1987)).

In May 2003, Wife obtained an order to show cause seeking, inter alia, unpaid alimony and payment for the children's medical expenses. After a hearing on the matter, the trial court issued an order (April 2004 order) requiring Todd Devereaux (Husband) to pay restitution for personal property, past-due alimony, and legal fees. In calculating Husband's alimony obligation, the trial court offset the amount with Wife's unpaid child support for years 2001, 2002, and 2003.

Husband also sought payment for the children's medical expenses; however, the trial court denied both parents' requests because it found that the parties had failed to properly submit paperwork to each other as required by a previous court order and Utah Code section 78-45-7.15(8). See Utah Code Ann. § 78-45-7.15(8) (2002). The court specifically held that "[n]either [party] is entitled, at this point, to any further order for repayment or relief from those bills. For future submissions, both parties are admonished that the statute must be strictly followed." (Emphasis added.) The court clarified that in the future, the parents were not to merely supply each other with bills from physicians; rather, they were required to provide the other with a copy of the medical bill and proof of payment within thirty days of making payment. See id. § 78-45-7.15(8).

Almost one year later, Husband obtained an order to show cause seeking payment from Wife for her share of the children's medical bills and four years of past-due child support. At a subsequent hearing, Husband presented evidence that he had properly provided Wife with proof of his payment of the children's medical bills within thirty days of payment. The trial court ordered Wife to pay child support for the years 1999, 2000, 2004, and 2005; her share of medical expenses for the children; and \$1500 of Husband's attorney fees. Wife filed a motion to alter or amend judgment, which the court denied. Wife timely filed this appeal.

Wife argues that the trial court was without jurisdiction to consider the unpaid child support and the children's medical bills because it had ruled on these issues in the April 2004 order.² However, Wife's argument fails. Utah Code section 30-3-5(3) grants a trial court continuing jurisdiction over divorce

²A different judge issued the April 2004 order.

matters to consider child support, debts, visitation, and attorney fees. See Utah Code Ann. § 30-3-5(3) (Supp. 2006). More significantly, the court had not previously ruled on the same child support obligation, nor had it foreclosed consideration of the medical bills.

In arguing that the April 2004 order precluded the trial court from ruling on child support and the children's medical bills, Wife misconstrues the court's order. Although it addressed several years of child support, the April 2004 order did not address child support for the years 1998, 1999, and 2004.³ Moreover, to the extent Wife argues there was insufficient evidence to support the court's findings, she has not marshaled the evidence in support of her claim; therefore, we will not look beyond the substance of the order itself. See Utah R. App. P. 24(a)(9) ("A party challenging a fact finding must first marshal all record evidence that supports the challenged finding."); Chen v. Stewart, 2004 UT 82, ¶80, 100 P.3d 1177 (stating that when a party fails to meet the marshaling requirement, this court may affirm the trial court's ruling "on that basis alone").

Furthermore, the April 2004 order did not prohibit the court from considering, at a later date, medical expenses that were properly submitted to the other party. In the April 2004 order, the court enumerated several requirements for the proper submission of medical bills. It also stated that neither party was "entitled to, at this point, any further order for repayment of relief from those bills." (Emphasis added.) Because the court clearly iterated that the parties were not entitled to relief at that time, it was not an abuse of the court's discretion to consider payment for medical expenses at a later date when the parties had fully complied with Utah Code section 78-45-7.15 and the court's order.

Since we conclude that it was within the trial court's continuing jurisdiction to consider Husband's claim for unpaid child support and the children's medical expenses, and that it did not abuse its discretion in doing so, we affirm the trial court's ruling. We also award Husband attorney fees incurred on appeal and remand for further proceedings in accordance with this decision. See Schaumberg v. Schaumberg, 875 P.2d 598, 604 (Utah Ct. App. 1994) ("When a trial court has awarded fees at trial . . . , and when the receiving spouse has prevailed on

³Obviously, the April 2004 order did not address whether child support was paid in 2005.

appeal, we will award attorney fees on appeal and remand solely for the trial court to make the foregoing findings.").

Pamela T. Greenwood,
Associate Presiding Judge

WE CONCUR:

James Z. Davis, Judge

William A. Thorne Jr., Judge