IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In re the Marriage of ELIZHALEE KEAKEALANI HAGER, Respondent, v. ERIC ARTHUR HAGER, Appellant.	No. 41352-3-II UNPUBLISHED OPINION

Johanson, J. — Eric Hager appeals the denial of his motion to modify his child support payments. Eric[1] argues that the trial court abused its discretion. Because the record provided by Eric does not demonstrate that the trial court abused its discretion, we affirm.

FACTS

In April 2008, Pierce County Superior Court entered a child support order for Eric and Elizhalee Hager. It set Eric's child support for their two children at $558 per month. Eric, the noncustodial parent, filed a petition for modification in May 2010 based on his economic hardship. He also sought a deviation from the child support schedule based on substantial residential time.

In August 2010, a superior court commissioner found "no factual basis for modification" and denied Eric's petition. Clerk's Papers at 35. Eric moved for revision.

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[1] For clarity, we refer to the parties by their first names. We intend no disrespect.

The trial court considered Eric's motion for revision where he stated that his income was $133 per week in unemployment. Elizhalee indicated that she and her new husband earn between $3,000 and $6,000 per month in gross income. Initially the court observed that there was "a substantial change in financial circumstances" since the adoption of the April 2008 child support order. Verbatim Report of Proceedings (VRP) at 12. But, the documentation also demonstrated that Eric owed a substantial amount of back child support, and the trial court determined that Eric had not made a good faith effort to find work and pay his child support in two years. As a result the trial court denied his motion for revision, and Eric timely appealed.

ANALYSIS

Eric argues that the trial court erred by not issuing findings of fact and conclusions of law and that it abused its discretion in denying his motion to modify child support. He prevails on neither of these claims.

A. Standard of Review

RCW 26.09.175 governs the modification of an order of child support. The party seeking the modification bears the burden of proof. *In re Marriage of Bucklin*, 70 Wn. App. 837, 839, 855 P.2d 1197 (1993). On a motion for revision where evidence before the commissioner does not include live testimony, the superior court reviews a court commissioner's findings de novo. *In re Marriage of Moody*, 137 Wn.2d 979, 993, 976 P.2d 1240 (1999). And, once the superior court rules on the revision motion, the appeal is from the superior court's decision, not the commissioner's. *In re Custody of Osborne*, 119 Wn. App. 133, 140 n.2, 79 P.3d 465 (2003) (citing *State v. Hoffman*, 115 Wn. App. 91, 101, 60 P.3d 1261, *rev'd on other grounds*, 150

Wn.2d 536, 78 P.3d 1289 (2003)).

The trial court's discretion in modifying a child support order is broad. *In re Marriage of Dodd*, 120 Wn. App. 638, 644, 86 P.3d 801 (2004). We will not reverse the trial court's determination of whether a change in circumstances warrants modifying child support absent a manifest abuse of discretion. *In re Marriage of McCausland*, 159 Wn.2d 607, 616, 152 P.3d 1013 (2007). When a party fails to provide credible evidence of actual income, the trial court may determine income by any rational means based upon evidence in the record. *See In re Marriage of Sievers*, 78 Wn. App. 287, 305-06, 897 P.2d 388 (1995).

An appellant must provide "argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record." RAP 10.3(a)(6). This court need not consider arguments not supported by any citation of authority. *Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992).

Under RCW 26.19.035(2), "[a]n order for child support shall be supported by written findings of fact upon which the support determination is based." This requirement applies in support modification proceedings. *See In re Marriage of Wayt*, 63 Wn. App. 510, 512–13, 820 P.2d 519 (1991).

B. Analysis

Here, Eric requested a downward modification and a deviation of child support due to substantial residential time and a decrease in his income. He claimed that the trial court not only erred in denying his request, but also in not issuing findings of fact and conclusions of law relating to its decision.

But, Eric has failed to provide legal authority supporting his contention that a trial court must issue signed findings of fact and conclusions of law when *denying* a modification. Therefore, we do not consider his arguments on this issue. RAP 10.3(a)(6); *DeHeer v. Seattle Post-Intelligencer*, 60 Wn.2d 122, 126, 372 P.2d 193 (1962) ("Where no authorities are cited in support of a proposition, the court is not required to search out authorities, but may assume that counsel, after diligent search, has found none.").

He also claims that the trial court abused its discretion when it denied his motion to revise the commissioner's order denying his motion for modification of child support because it made a factual finding that the parties had experienced a change in circumstances and income. However, the trial court also found that Eric had not made a good faith effort to find work and pay his child support in two years. Thus, the record provided does not demonstrate that the trial court abused its discretion in denying Eric's motion for revision. *See McCausland*, 159 Wn.2d at 616.

We affirm.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

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Johanson, J.

We concur:

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Armstrong, J.

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Penoyar, C.J.