

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Scott T. Ralph,
Appellant-Respondent,

v.

Laura M. Ralph,
Appellee-Petitioner.

February 28, 2023

Court of Appeals Case No.
22A-DR-1973

Appeal from the Hendricks
Superior Court

The Honorable Stephanie D.
LeMay-Luken, Judge

Trial Court Cause No.
32D05-1408-DR-515

Memorandum Decision by Judge Tavitias
Judges Vaidik and Foley concur.

Tavitias, Judge.

Case Summary

- [1] Scott Ralph (“Father”) appeals the trial court’s order denying Father’s petition to modify child support. Father claims that the trial court clearly erred by denying his petition to modify child support even though the trial court found that Father’s oldest child is emancipated. We conclude that the trial court did not clearly err, and we affirm.

Issue

- [2] Father presents one issue, which we restate as: whether the trial court clearly erred by denying Father’s petition to modify child support even though the trial court found that Father’s oldest child is emancipated.

Facts

- [3] Father and Laura Ralph (“Mother”) were married and had four children: (1) Victoria, born in 2003; (2) El.R., born in 2005; (3) A.R., born in 2008; and (4) Ev.R., born in 2010 (collectively “the Children”). Ev.R. has Koolen-De Vries syndrome—a chromosome disorder—and, therefore, has special needs. Mother and Father divorced in 2015, at which time the trial court granted the parties joint legal custody of the Children. The trial court ordered that Mother have primary physical custody of the Children and that Father have significant parenting time. At that time, the trial court ordered Father to pay child support in the amount of \$334 per week. On December 31, 2018, Father successfully petitioned the trial court to modify child support, and the court lowered Father’s obligation to \$150 per week. Then, on February 4, 2020, the parties

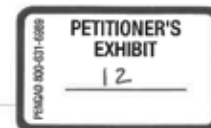
agreed to modify Father's child support obligation to \$206 per week. On January 21, 2021, Mother filed a petition alleging that Father was in contempt for failing to abide by the trial court's previous orders regarding Father's obligation to pay uninsured medical expenses.

[4] Victoria graduated from high school in May 2021. After her graduation, Victoria enlisted in the United States Navy and completed her basic training that summer. Victoria turned eighteen in August 2021. On May 24, 2021, Father filed a petition to modify his child support obligation, appoint a guardian ad litem, and modify child custody and parenting time. In his petition, Father sought primary physical custody of the Children.

Contemporaneous with this petition, Father filed a petition alleging that Mother was in contempt for denying him parenting time.

[5] The trial court held an evidentiary hearing on the pending petitions on June 13, 2022. At the hearing, Mother agreed that Victoria was emancipated due to her service in the Navy, and Father abandoned his request for primary physical custody of the Children. Also at the hearing, the trial court admitted proposed Child Support Obligation Worksheets from both parties. Mother's Worksheet provided as follows:

IN RE: and		CASE NO.: 32D01-14-8-DR-515 FATHER: Laura M. Ralph MOTHER: Scott T. Ralph	
CHILD SUPPORT OBLIGATION WORKSHEET (CSOW)			
Children	DOB	Children	DOB
██████████	██████05 ██████10	██████████	██████08
1. WEEKLY GROSS INCOME		FATHER \$1,367.00	MOTHER \$1,116.80
A. Subsequent Children Credit, .065, .097, ...		0 \$0.00	0 \$0.00
B. Child Support Order for prior born		\$0.00	\$0.00
C. Child Support Duty for prior born		\$0.00	\$0.00
D. Maintenance Paid		\$0.00	\$0.00
E. WEEKLY ADJUSTED INCOME (WAI)		\$1,367.00	\$1,116.80
2. PERCENTAGE SHARE OF TOTAL WAI		55.0366%	44.9634%
3. COMBINED WEEKLY ADJUSTED INCOME			\$2,483.80
4. BASIC CHILD SUPPORT OBLIGATION		\$297.20	\$242.60
A. Work-related Child Care Expense		\$0.00	\$0.00
B. Weekly Health Insurance Premium (children part)			\$8.79
5. TOTAL CHILD SUPPORT OBLIGATION			\$548.79
6. PARENT'S CHILD SUPPORT OBLIGATION		\$302.04	\$246.75
7. Adjustment from PSEW Line J.		\$0.00	\$0.00
Credit for child care payment from 4A		\$0.00	\$0.00
Credit for health insurance premium (children part)		\$0.00	\$8.79
Credit for parenting time for 000 overnights		\$0.00	\$0.00
8. RECOMMENDED SUPPORT OBLIGATION		\$302.04	
I affirm under the penalties for perjury the foregoing representations are true.			
Preparer: E. Walker		Father: _____	
Dated: 06/07/2022		Mother: _____	
Mother should pay the first \$1,684.80 annual uninsured health care. (CSOW 4. + PSEW I. x 52 x .06) Balance of Annual Expenses to be paid: 55.0366% by Father; 44.9634% by Mother; Calculated for 3 at home and 0 at college using year 2022 guidelines and 000 overnights.			
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Ex. Vol. 3 p. 47. Consistent with Mother's stipulation that Victoria was emancipated, her Worksheet did not list Victoria as a dependent child.

Mother's Worksheet does not give Father credit for overnight parenting time.

[6] Father's Worksheet also did not list Victoria as a dependent child and provided as follows:

Father's Proposed CSOW (6-13-22)

IN RE: THE MARRIAGE OF LAURA RALPH and SCOTT RALPH		CASE NO.: 32D05-1408-DR-515 FATHER: Scott Ralph MOTHER: Laura Ralph	
CHILD SUPPORT OBLIGATION WORKSHEET (CSOW)			
Children	DOB	Children	DOB
██████████	██-05 ██-10	██████████	██-11-08
1. WEEKLY GROSS INCOME		FATHER \$620.00	MOTHER \$1,116.80
A. Subsequent Children Credit, .065, .097, ...		0 \$0.00	0 \$0.00
B. Child Support Order for prior born		\$0.00	\$0.00
C. Child Support Duty for prior born		\$0.00	\$0.00
D. Maintenance Paid		\$0.00	\$0.00
E. WEEKLY ADJUSTED INCOME (WAI)		\$620.00	\$1,116.80
2. PERCENTAGE SHARE OF TOTAL WAI		35.6978%	64.3022%
3. COMBINED WEEKLY ADJUSTED INCOME			\$1,736.80
4. BASIC CHILD SUPPORT OBLIGATION		\$159.21	\$286.79
A. Work-related Child Care Expense		\$0.00	\$0.00
B. Weekly Health Insurance Premium (children part)			\$102.75
5. TOTAL CHILD SUPPORT OBLIGATION			\$548.75
6. PARENT'S CHILD SUPPORT OBLIGATION		\$195.89	\$352.86
7. Adjustment from PSEW Line J.		\$0.00	\$0.00
Credit for child care payment from 4A		\$0.00	\$0.00
Credit for health insurance premium (children part)		\$102.75	\$0.00
Credit for parenting time for 080 overnights		\$0.00	\$41.73
8. RECOMMENDED SUPPORT OBLIGATION			\$311.13
I affirm under the penalties for perjury the foregoing representations are true.			
Preparer: William O. Harrington		Father: _____	
Dated: 06/09/2022		Mother: _____	
Father should pay the first \$1,391.52 annual uninsured health care. (CSOW 4. + PSEW I. x 52 x .06) Balance of Annual Expenses to be paid: 35.6978% by Father; 64.3022% by Mother; Calculated for 3 at home and 0 at college using year 2022 guidelines and 080 overnights.			<div style="border: 2px solid black; padding: 5px; display: inline-block;"> RESPONDENT'S EXHIBIT P </div>
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Ex. Vol. 4, p. 33. Notably, Father's Worksheet was based on the presumption that the trial court would grant Father primary physical custody of the Children and that Mother, not Father, would be obligated to pay child support.

Although Father abandoned his request for primary physical custody, he did not submit an updated Worksheet that showed the child support Father would be obligated to pay. At the conclusion of the hearing, the trial court took the matter under advisement.

[7] On June 28, 2022, the trial court entered an order that provides in relevant part:

1. The Court finds and orders that Victoria is no longer a minor, is in the Navy and is therefore emancipated effective the date of the hearing.

* * * * *

8. Pursuant to the Agreed Entry approved on February 4, 2020 (hereinafter "Agreed Entry"), Mother is responsible for maintaining medical and health insurance for the minor children. Father obtained medical insurance for the children without discussing it with Mother. Father has failed to comply with paragraph 11 of the Agreed Entry regarding his share of the uninsured medical expenses. The Court finds Father in contempt for failing to pay Mother \$839.64 for his share of uninsured medical expenses for the minor children.

9. **The Court denies Father's Motion to Modify Child Custody and Parenting Time and Modify Child Support filed May 24, 2021.** The Court finds it is not in the best interests of the children to modify custody. Further, during the hearing, Father testified he no longer was pursuing custody. . . .

Appellant's App. Vol. II pp. 49-50 (emphasis added). By denying Father's request to lower his child support obligation, the trial court left in place the prior agreed order that set Father's obligation at \$206 per week. Father now appeals.

Discussion and Decision

[8] We give considerable deference to the findings of the trial court in family law matters. *MacLafferty v. MacLafferty*, 829 N.E.2d 938, 940 (Ind. 2005). Upon the review of a child support modification order, we consider only evidence and reasonable inferences favorable to the judgment. *Bogner v. Bogner*, 29 N.E.3d 733, 738 (Ind. 2015). We will set aside the trial court's order only if it is clearly erroneous. *Id.* As the party seeking a modification of child support, Father had the burden of establishing the circumstances supporting such modification. *See MacLafferty*, 829 N.E.2d at 940; *Adams v. Adams*, 873 N.E.2d 1094, 1098 (Ind. Ct. App. 2007). Thus, Father appeals from a negative judgment, "which will be reversed only if there is no evidence to support the trial court's conclusion." *Adams*, 873 N.E.2d at 1098.

[9] Pursuant to Indiana Code Section 31-16-8-1, a trial court may modify an existing child support order only:

(1) upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable; or

(2) upon a showing that:

(A) a party has been ordered to pay an amount in child support that differs by more than twenty percent (20%) from

the amount that would be ordered by applying the child support guidelines; and

(B) the order requested to be modified or revoked was issued at least twelve (12) months before the petition requesting modification was filed.

[10] In addition, Indiana Code Section 31-16-6-6(b) provides in relevant part:

(a) The duty to support a child under this chapter, which does not include support for educational needs, ceases when the child becomes nineteen (19) years of age unless any of the following conditions occurs:

(1) The child is emancipated before becoming nineteen (19) years of age. In this case the child support, except for the educational needs outlined in section 2(a)(1) of this chapter, terminates at the time of emancipation, although an order for educational needs may continue in effect until further order of the court.

* * *

(b) For purposes of determining if a child is emancipated under subsection (a)(1), if the court finds that the child:

(1) is on active duty in the United States armed services;

* * *

the court shall find the child emancipated and terminate the child support. . . .

Ind. Code § 31-16-6-6 (emphases added).

[11] Father argues that, because it is undisputed that Victoria was emancipated by operation of Indiana Code Section 31-16-6-6 when she enlisted in the Navy, his

obligation to support her ceased. Father is correct that his obligation to support Victoria ceased when she was emancipated. *See Beckler v. Hart*, 660 N.E.2d 1387, 1389 (Ind. Ct. App. 1996) (“Emancipation terminates the obligation of the noncustodial parent to support the child and frees the child from the care, custody, and control of his or her parents.”).

[12] As Father acknowledges, however, we have long held that “the emancipation of fewer than all of the children supported by an order in gross does not automatically reduce the supporting parent’s obligation.” *Abner v. Bruner*, 425 N.E.2d 716, 718 (Ind. Ct. App. 1981) (citing *Ross v. Ross*, 397 N.E.2d 1066, 1069-70 (Ind. Ct. App. 1979)). Here, the existing child support order was an “in gross” order, meaning that it was an indivisible order obligating Father to pay a specified sum of undivided support for more than one child. *See Sutton v. Sutton*, 773 N.E.2d 289, 297 (Ind. Ct. App. 2002) (defining an in gross child support order). Thus, Father’s support obligation was not automatically reduced by Victoria’s emancipation. Instead, Father was required to petition the trial court for such a reduction and bore the burden of showing that such a reduction was warranted under the parties’ current circumstances. *Kaplon v. Harris*, 567 N.E.2d 1130, 1132 (Ind. 1991) (citing *Ross*, 397 N.E.2d at 1070).

[13] Father claims that the trial court did not consider the effect of Victoria’s emancipation on Father’s child support obligation. Father argues that Victoria’s emancipation constituted a change in circumstances that should have caused the trial court to at least consider whether Father’s child support obligation should be modified. Father, however, refers us to no authority that

requires a trial court to enter specific findings regarding why it chose to deny a request to modify child support. To the contrary, a trial court ordering child support is only required to enter written findings when requested pursuant to Indiana Trial Rule 52¹ and when the trial court orders child support that deviates from the Child Support Guidelines. *See Liddy v. Liddy*, 881 N.E.2d 62, 70 (Ind. Ct. App. 2008) (“[A] trial court may only order child support exceeding the Child Support Guidelines ‘if supported by proper written findings justifying the deviation.’”) (quoting *Kinsey v. Kinsey*, 640 N.E.2d 42, 44 (Ind. 1994)). Here, the trial court denied the petition to modify without written findings.

[14] Moreover, we presume trial courts know and follow the applicable law. *In re Paternity of A.R.S.*, 198 N.E.3d 423, 431 (Ind. Ct. App. 2022) (citing *Hecht v. Hecht*, 142 N.E.3d 1022, 1031 (Ind. Ct. App. 2020)). We, therefore, presume that the trial court here followed the child support modification statute and emancipation statute and, therefore, considered Victoria’s emancipation when it denied Father’s petition to modify the existing child support order.

¹ This rule provides in relevant part:

In the case of issues tried upon the facts without a jury or with an advisory jury, the court shall determine the facts and judgment shall be entered thereon pursuant to Rule 58. Upon its own motion, or the written request of any party filed with the court prior to the admission of evidence, the court in all actions tried upon the facts without a jury or with an advisory jury (except as provided in Rule 39[D]) shall find the facts specially and state its conclusions thereon. The court shall make special findings of fact without request

- (1) in granting or refusing preliminary injunctions;
- (2) in any review of actions by an administrative agency; and
- (3) in any other case provided by these rules or by statute.

Ind. Trial Rule 52(A).

[15] Still, Father claims that the trial court should have “evaluated whether the amount owed by Father based upon the current facts differed by more than twenty percent (20%) from the amount that Father was ordered to pay” in the current support order. Appellant’s Br. p. 15. Father, however, refers to no evidence in the record that would support a claim that the existing child support order differed by more than twenty percent from the amount that would be ordered by applying the child support guidelines to the current facts. It is not our role as an appellate court to scour the record in an attempt to find evidence to support Father’s argument. *See Vandenburg v. Vandenburg*, 946 N.E.2d 723, 727 (Ind. Ct. App. 2009); *Legacy Healthcare, Inc. v. Barnes & Thornburg*, 837 N.E.2d 619, 639 n.29 (Ind. Ct. App. 2005) (noting that the court on appeal will not “scour the record in search of evidence in support [of an appellant’s] claims”), *trans. denied*. As noted above, Father’s Child Support Worksheet was based on the premise that he would have primary physical custody of the Children. Yet, Father abandoned his claim for primary physical custody at the hearing. Father submitted no Worksheet showing what his child support obligation would be if he were not awarded physical custody.²

[16] Accordingly, we are unable to say that the trial court clearly erred by determining that Father did not meet his burden of showing that modification of his child support obligation was warranted under either prong of the child

² Mother’s Child Support Worksheet listed only the three non-emancipated children and still recommended that Father’s support obligation be \$302.04 per week—almost \$100 more than Father’s then-existing support obligation based on Mother being the primary caregiver of all four children.

support modification statute, i.e., that there was either: (1) a substantial and continuing change in circumstances as to make the terms of the existing child support order unreasonable, or (2) that Father's existing child support obligation differs by more than twenty percent from the amount that would be ordered by applying the Child Support Guidelines.

Conclusion

[17] The fact that Victoria was emancipated does not automatically justify a reduction in Father's child support obligation. Nor can we say that the trial court clearly erred by failing to reduce Father's child support obligation based on Victoria's emancipation. Accordingly, we affirm the judgment of the trial court.

[18] Affirmed.

Vaidik, J., and Foley, J., concur.