

[Cite as *Sloat v. Sloat*, 2009-Ohio-2329.]

COURT OF APPEALS  
STARK COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

HELEN SLOAT

Plaintiff-Appellee

-vs-

WILLIAM SLOAT

Defendant-Appellant

JUDGES:

Hon. Sheila G. Farmer, P. J.

Hon. W. Scott Gwin, J.

Hon. John W. Wise, J.

Case No. 2008 CA 00272

OPINION

CHARACTER OF PROCEEDING:

Civil Appeal from the Court of Common  
Pleas, Domestic Relations Division, Case  
No. D89-180

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

May 18, 2009

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

WILLIAM SLOAT

PRO SE

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*Wise, J.*

{¶1} Appellant appeals the decision of the Stark County Court of Common Pleas, Domestic Relations Division, which denied his motion to modify child support. Appellee Helen Sloat is appellant's former spouse. The relevant facts leading to this appeal are as follows.

{¶2} On December 6, 1989, appellant and appellee were divorced in Stark County. The divorce decree sets forth that three children were born of the marriage.<sup>1</sup> Child support per the decree was set at \$500.00 per month.

{¶3} On July 18, 2005, the Stark County Child Support Enforcement Agency filed a "Notice of Child Support Investigation" stating that there were no minor children remaining subject to the support order for whom payments should continue. The CSEA notice also found total child support arrearages as of June 30, 2005. CSEA also indicated that the arrearage should be collected at \$300.00 per month. The trial court adopted the CSEA notice as a court order on August 29, 2005.

{¶4} In the meantime, on July 17, 2008, appellant filed a pro se "motion to modify child support." A hearing was conducted before a magistrate on August 12, 2008. Counsel for CSEA appeared, as well as appellee. Appellant was not present, and did not have an attorney appear on his behalf. The magistrate overruled appellant's motion to modify.

{¶5} Appellant thereafter filed an objection to the magistrate's decision. The trial court conducted a hearing on November 3, 2008. Again, appellant was not present

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<sup>1</sup> Appellant's brief asserts that a fourth child from the marriage is deceased.

and did not have an attorney appear on his behalf. The trial court overruled the objection via judgment entry filed November 5, 2008.

{¶6} On December 1, 2008, appellant filed a notice of appeal. He herein raises the following five Assignments of Error:

{¶7} "THE TRIAL COURT DID NOT GIVE RESON (SIC) WHY IT WAS OVERRULED IN THE ORDER JUST THAT MR. SLOAT DID NOT APPEAR AND THAT IS BECAUSE MR. SLOATS (SIC) MEDICAL CONDITION IN FILE.

{¶8} "THE TRIAL COURT COMMITTED ERROR IN MODIFYING THE DISABLED PARENT'S CHILD SUPPORT OBLIGATION WITHOUT PERMITTING THE SOCIAL SECURITY PAYMENTS RECEIVED ON BEHALF OF THE CHILDREN TO DIRECTLY OFFSET THE AWARDED SUPPORT OBLIGATION.

{¶9} "THE TRIAL COURT ABUSED ITS DISCRETION IN KEEPING THE \$326.00 MONTH (SIC) CHILD SUPPORT PAYMENT WHEN MR. SLOATS (SIC) ONLY INCOME IS \$1,015 DOLLARS A MONTH AFTER THEY TAKE OUT THIS PAYMENT AND HE HAS A WIFE AND 4 MINOR CHILDREN TO SUPPORT.

{¶10} "THE TRIAL COURT DID NOT CONSIDER THAT MR. SLOATS (SIC) ONLY INCOME IS SSA AND THAT HE HAS BEEN GETTING IT FOR ABOUT 6 YEARS AND THAT 2 YEARS PRIOR TO THAT HE WAS ON GENERAL ASSTIANCE (SIC) BECAUSE HE COULD NOT WORK BECAUSE OF HIS ILLNESS AND THAT WHEN HE FINILY (SIC) DID GET SSA MARY SLOAT GOT CHILDRENS BENEFITES (SIC) UNTIL SHE TURNED 18 AND AMY SLOAT WILL CONTINUE TO GET \$133.00 A MONTH FOR BEING A DISABLED ADULT.

{¶11} “THE TRIAL COURT DID NOT LOOK AT ALL THE FACTORS AS IN THE OHIO REVISED CODE 3119.04: THE COURT SHALL REVIEW THE OBLIGOR’S INCOME AND LIVING EXPENSES TO DETERMINE (SIC) THE AMOUNT OF CHILD SUPPORT WITHOUT DENYING THE OBLIGOR SELF-SUPPORT AT A MINIMUM SUBSISTENCE LEVEL. AND MR. SLOAT HAS PROVED THAT HIS INCOME IS SUBSTANTIALLY LOW AND THAT IT WOULD BE UNJUST TO MAKE HIM PAY FOR CHILDREN NOW OVER THE AGE OF 18 WHEN HE HAS MINOR CHILDREN TO SUPPORT.”

I., II., III., IV., V.

{¶12} In his Assignments of Error, appellant challenges the trial court’s denial of his motion to modify child support. We disagree.

{¶13} We first note that an appellant’s brief is required to present “[a]n argument containing the contentions of the appellant with respect to [the] assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies,” as per the requirements set forth in App.R. 16(A)(7). Furthermore, where, as here, appellant has filed a post-decree civil motion but has failed to properly prosecute it at the scheduled trial court hearings via counsel or pro se appearance and has failed to provide a transcript, we hold an appellate court may indulge in all reasonable presumptions in favor of the regularity of the proceedings below, absent plain error.

{¶14} Furthermore, a trial court is provided with broad discretion in deciding what is equitable in domestic relations matters, including issues of child support, upon the facts and circumstances of each case. *Booth v. Booth* (1989), 44 Ohio St.3d 142,

541 N.E.2d 1028. It is not entirely clear if appellant in this instance was attempting to “retroactively” modify child support for his emancipated children, or instead was seeking to have the monthly arrearage payment adjusted. In either case, we are not inclined to find an abuse of discretion under the circumstances of this case.

{¶15} Appellant’s First, Second, Third, Fourth, and Fifth Assignments of Error are overruled.

{¶16} For the reasons stated in the foregoing opinion, the judgment of the Court of Common Pleas, Domestic Relations Division, Stark County, Ohio, is affirmed.

By: Wise, J.

Farmer, P. J., and

Gwin, J., concur.

/S/ JOHN W. WISE\_\_\_\_\_

/S/ SHEILA G. FARMER\_\_\_\_\_

/S/ W. SCOTT GWIN\_\_\_\_\_

JUDGES

