NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2011 Ill. App. (4th) 100753-U

Filed 7/5/11

NO. 4-10-0753

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: the Marriage of	)	Appeal from
THERESA K. HUSKEY,	)	Circuit Court of
Petitioner-Appellee,	)	McLean County
and	)	No. 03D207
DOUG E. HUSKEY,	)	
Respondent-Appellant.	)	Honorable
	)	James E. Souk,
	)	Judge Presiding.

JUSTICE McCULLOUGH delivered the judgment of the court.
Justices Turner and Pope concurred in the judgment.

ORDER

¶ 1 *Held*: Ex-husband failed to make sufficient showing that trial court abused its discretion in denying his petition to modify child support, despite ex-husband's claims that witness's testimony and documents caused trial court to commit error and that court failed to consider current income of the parties; record contained no report of evidentiary hearing or a certified bystander's report, and trial court's order indicated it heard the evidence and had been fully advised.

¶ 2 Respondent, Doug E. Huskey (Doug), appeals from an order denying his petition to modify child support. We affirm.

¶ 3 Doug and petitioner, Theresa K. Huskey (Theresa), were married on June 6, 1992. Two children were born of the marriage, Andrew, born July 14, 1994; and Joshua, born December 21, 1996. On July 24, 2003, the trial court entered a judgment for dissolution of marriage incorporating a marital settlement agreement. The marital settlement agreement provided that each party agreed to share in the parenting of the children pursuant to a parenting

agreement; and Doug agreed to pay Theresa $600 in child support every month. On September 7, 2005, the parties agreed by stipulated order that Doug would pay Theresa $700 in child support every month.

¶ 4 On August 4, 2009, Doug filed a petition to modify child support alleging a substantial change in circumstances resulting from a decrease in his income. On September 23, 2009, Doug filed a supplemental petition to modify child support alleging (1) he and Theresa shared physical custody of the children and (2) Theresa had additional sources of income not present at the time child support was ordered.

¶ 5 In February 2010, April 2010, and May 2010, the trial court conducted hearings on Doug's petition to modify child support. Following testimony and the admission of exhibits, the court denied Doug's petition finding he "failed to prove a sufficient change of circumstances to justify a reduction in child support." Specifically, the court found Doug's income "more than adequate to justify the present level of child support." Further, the trial court found Theresa earned "minimal income" and suffered health problems making it "improbable that her income level will rise in the foreseeable future."

¶ 6 This appeal followed.

¶ 7 Initially, we note our review of this appeal is hindered by the lack of transcripts of the evidentiary hearings. We proceed to the issues presented.

¶ 8 Doug argues the trial court abused its discretion in denying his petition to modify child support. Specifically, he argues the trial court erred in finding (1) he should not benefit from "an extremely risky and unwise business decision," (2) his income was "more than adequate to justify the present level of child support," and (3) Theresa's income "minimal."

¶ 9 Modification of child-support orders lies within the sound discretion of the trial court, and its decision will not be disturbed on appeal unless an abuse of discretion is found. *In re Marriage of Rogers*, 213 Ill. 2d 129, 135, 820 N.E.2d 386, 389 (2004). An abuse of discretion occurs in declining to modify a child-support obligation only when no reasonable person would agree with the court's decision. *In re Marriage of Sassano*, 337 Ill. App. 3d 186, 194, 785 N.E.2d 1058, 1065 (2003).

¶ 10 Child support is modifiable only upon a showing of substantial change in circumstances. 750 ILCS 5/510(a)(1) (West 2008). When determining whether there is sufficient basis to modify child support, courts consider the circumstances of the parents and the circumstances of the child. *In re Marriage of Breitenfeldt*, 362 Ill. App. 3d 668, 673, 840 N.E.2d 694, 699 (2005). "The trial court's determination whether a substantial change in circumstances [has] occurred is one of fact and will not be disturbed unless it is *** against the manifest weight of the evidence." *In re Marriage of Armstrong*, 346 Ill. App. 3d 818, 821, 805 N.E.2d 743, 745 (2004).

¶ 11 Here, the record contains no report of proceedings or certified bystander's report setting out what occurred on February 25, 2010, April 8, 2010, and May 21, 2010. At those hearings, Theresa and Doug both testified and presented evidence.

¶ 12 Doug, as appellant, bears the burden to present a sufficiently complete report of proceedings to support his contentions of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92, 459 N.E.2d 958, 959 (1984). When the record on appeal is inadequate, "the reviewing court will presume that the order entered by the trial court was in conformity with the law and had a sufficient factual basis." *Midstate Siding & Window Co. v. Rogers*, 204 Ill. 2d 314, 319, 789

N.E.2d 1248, 1252 (2003); see also *In re Marriage of Donovan*, 361 Ill. App. 3d 1059, 1063, 838 N.E.2d 310, 314 (2005); *In re Marriage of Newberry*, 346 Ill. App. 3d 526, 531, 805 N.E.2d 640, 644 (2004).

¶ 13 Doug also complains the trial court failed to consider the current income of the parties. In the order denying Doug's petition to modify child support, the court found Doug's "2009 income of his Sub Chapter S Corporation *** more than adequate to justify the present level of child support." Further, the court characterized Theresa's income as "minimal." In reviewing a matter under the trial court's discretion, "reversal is justified only when it is obvious that the trial court acted arbitrarily or without conscientious judgment." *In re Marriage of Schrimpf*, 293 Ill. App. 3d 246, 252, 687 N.E.2d 171, 175 (1997).

¶ 14 Doug has not presented a sufficient record to establish the testimony of the parties involved. Further, Doug's argument in his brief offers nothing to require the conclusion that the trial court acted arbitrarily or without conscientious judgment. The court's order indicated it heard the evidence and had been fully advised. With the inadequate record, we presume the trial court's order conformed with the law and was based on sufficient facts. Thus, without more, we find no abuse of discretion.

¶ 15 For the reasons stated, we affirm the trial court's judgment.

¶ 16 Affirmed.