

*This opinion will be unpublished and  
may not be cited except as provided by  
Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A11-712**

State of Minnesota, by its agent, County of Anoka,  
Respondent,

Lynn Anderson,  
Appellant,

vs.

Douglas P. Anderson,  
Respondent.

**Filed October 31, 2011  
Affirmed  
Peterson, Judge**

Anoka County District Court  
File No. 02-F2-94-000796

Anthony C. Palumbo, Anoka County Attorney, Christine V. Carney, Assistant County Attorney, Anoka, Minnesota (for respondent County of Anoka)

Lynn Anderson, Forest Lake, Minnesota (pro se appellant)

Douglas P. Anderson, Stacy, Minnesota (pro se respondent)

Considered and decided by Johnson, Chief Judge; Peterson, Judge; and Larkin,  
Judge.

## UNPUBLISHED OPINION

**PETERSON**, Judge

In this child-support dispute, pro se appellant-mother argues that the child-support magistrate erred in reducing the amount of father's monthly arrearages payment. We affirm.

### FACTS

The dissolution judgment required respondent-father to pay \$443 per month in child support for the parties' two minor children. Cost-of-living adjustments increased that obligation to \$477 per month. Since July 2003, this case has involved only arrears.

In February 2011, father filed a motion to reduce the amount of his monthly arrearages payment. Respondent State of Minnesota, by its agent, County of Anoka, filed a responsive motion requesting that father be ordered to make monthly arrearages payments in an amount deemed appropriate by the child-support magistrate (CSM). As of February 18, 2011, father owed \$12,624.33 in arrears to public assistance and \$6,435.84 in arrears to appellant-mother Lynn Anderson.

Following an evidentiary hearing, the CSM found that father was being charged 120% of his prior child-support obligation of \$477 and that 65% of his social-security disability benefits of \$707 was being withheld to pay support arrearages.<sup>1</sup> The CSM found:

4. [Father] testified that although he lives alone he is unable to pay such amount and still survive. [Father]

---

<sup>1</sup> We note that there appears to be an error in the CSM's calculations. One hundred and twenty percent of \$477 equals \$572.40, and 65% of \$707 equals \$459.55.

indicated that he does not own a vehicle or a cell phone nor does he have cable or the internet.

5. [Father] testified that he is 57 years old, has back and knee issues and hopes to find some type of work this summer.

6. In light of [father's] very limited gross monthly income, his disability, the amount of the arrears and his monthly living expenses the court finds that he has the ability to pay \$50 per month towards his arrears and that amount will automatically increase to \$100 per month commencing in September of 2011 when the court assumes he will have found some part-time work to supplement his [disability] benefits. The court will also stay interest on [father's] arrears in light of his disability status.

Mother appealed.

## DECISION

This court applies the same standard of review to a CSM's decision as to a district court's decision. *Ludwigson v. Ludwigson*, 642 N.W.2d 441, 445-46 (Minn. App. 2002). Child-support matters are within the CSM's discretion, and its decision will not be reversed absent an abuse of discretion. *Blonigen v. Blonigen*, 621 N.W.2d 276, 282 (Minn. App. 2001), *review denied* (Minn. Mar. 13, 2001).

"If an arrearage exists at the time a support order would otherwise terminate . . . , the arrearage shall be repaid in an amount equal to the current support order until all arrears have been paid in full, absent a court order to the contrary." Minn. Stat. § 518A.60(d) (2010).

In proposing or approving proposed written payment agreements for purposes of this chapter, . . . a [CSM] . . . shall take into consideration the amount of the arrearages, the amount of the current support order, any pending request for

modification, and the earnings of the obligor. The . . . [CSM] . . . shall consider the individual financial circumstances of each obligor in evaluating the obligor's ability to pay any proposed payment agreement and shall propose a reasonable payment agreement tailored to the individual financial circumstances of each obligor.

Minn. Stat. § 518A.69 (2010).

Mother argues that the CSM erred in failing to consider cash income earned by father and that, contrary to father's affidavit, he does not pay rent because he trades work for rent. Mother also argues that she needs a higher monthly payment because her unemployment benefits have run out, and she has medical bills to pay for the parties' daughter. To address these arguments, it would be necessary for this court to review the evidence presented at the hearing before the CSM. Mother, however, did not provide a transcript of the hearing. "An appellant has the burden to provide an adequate record." *Mesenbourg v. Mesenbourg*, 538 N.W.2d 489, 494 (Minn. App. 1995). This burden applies to a pro se appellant. *Noltimier v. Noltimier*, 280 Minn. 28, 29, 157 N.W.2d 530, 531 (1968). When the appellant fails to provide a transcript, our review is limited to whether the findings of fact support the conclusions of law. *Mesenbourg*, 528 N.W.2d at 494. Because mother did not provide a transcript, the issues she raises regarding the parties' incomes and expenses are beyond our scope of review.

The CSM's findings show that it considered father's individual financial circumstances in determining his ability to pay arrearages and tailored the payment plan to those circumstances as required by Minn. Stat. § 518A.69. Because the CSM's findings show that it considered the required statutory factors, we affirm. *See Tuthill v.*

*Tuthill*, 399 N.W.2d 230, 232-33 (Minn. App. 1987) (affirming denial of maintenance modification when findings showed that district court considered factors mandated by legislature).

**Affirmed.**