

# ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA10-1

SANDY WARE

APPELLANT

V.

OFFICE OF CHILD SUPPORT  
ENFORCEMENT AND RICHARD  
SCHLOSSER

APPELLEES

**Opinion Delivered** December 15, 2010

APPEAL FROM THE MISSISSIPPI  
COUNTY CIRCUIT COURT,  
CHICKASAWBA DISTRICT  
[NO. DR-2005-431]

HONORABLE GRAHAM  
PARTLOW, JUDGE

REVERSED AND REMANDED

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## JOHN MAUZY PITTMAN, Judge

In this case, the Office of Child Support Enforcement asked for a reduction in the non-custodial parent's child-support obligation on the ground that the self-employed payor's income had been reduced. The trial court granted the reduction, and the custodial parent appeals.

The order in this case must be reversed because it fails to comply with the directives of Administrative Order Number 10, which provides in pertinent part:

It is a rebuttable presumption that the amount of child support calculated pursuant to the most recent revision of the Family Support Chart is the amount of child support to be awarded *in any judicial proceeding for divorce, separation, paternity, or child support*. The court may grant less or more support if the evidence shows that the needs of the dependents require a different level of support.

*All orders granting or modifying child support (including agreed orders) shall*

*contain the court's determination of the payor's income, recite the amount of support required under the guidelines, and recite whether the court deviated from the Family Support Chart.* If the order varies from the guidelines, it shall include a justification of why the order varies as may be permitted under Section V hereinafter. It shall be sufficient in a particular case to rebut the presumption that the amount of child support calculated pursuant to the Family Support Chart is correct, if the court enters in the case a specific written finding within the Order that the amount so calculated, after consideration of all relevant factors, including the best interests of the child, is unjust or inappropriate.

(Emphasis added.)

Although this case presents an unusual scenario, it is nevertheless a “judicial proceeding for . . . child support” to which the rule is applicable. Here, the trial court not only failed to make the requisite finding of the payor’s income—that line is left blank on the form order used by the trial court—but we cannot be certain that this is actually the *court’s* determination in light of the judge’s statement in the incorporated letter opinion that “[i]t would be rather presumptuous of me to attempt to override [Child Support Enforcement’s] investigation and determination. The petition will therefore be granted.” In light of these defects, we reverse and remand for the trial court to enter an order complying with the mandates of Administrative Order Number 10. *See Boudreaux v. Boudreaux*, 2009 Ark. App. 685.

Reversed and remanded for further proceedings consistent with this opinion.

GRUBER and GLOVER, JJ., agree.