

ARKANSAS COURT OF APPEALS

DIVISION I
No. CV-21-503

APRIL JOHNSON APPELLANT/CROSS-APPELLEE	Opinion Delivered October 18, 2023 APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, SEVENTEENTH DIVISION [NO. 60DR-05-4859]
V.	
BRADLEY JOHNSON APPELLEE/CROSS-APPELLANT	HONORABLE MACKIE M. PIERCE, JUDGE AFFIRMED ON DIRECT APPEAL; AFFIRMED ON CROSS-APPEAL

WAYMOND M. BROWN, Judge

April Johnson appeals from the postdivorce order of the Pulaski County Circuit Court that resolved issues of child support and contempt. On direct appeal, April argues the circuit court erred in (1) finding that Bradley Johnson is obligated to pay 25 percent of his bonuses but not his commissions; and (2) crediting payments made directly to April against Bradley’s arrearage. Bradley cross-appeals, arguing the circuit court erred in (1) ordering him to pay support based on a percentage of his total additional income; (2) finding him in contempt; and (3) awarding attorney’s fees to April.¹ We affirm on direct appeal and on cross-appeal.

The parties, who were divorced by decree entered on April 27, 2006, have an extensive history of litigation regarding issues of child support. There were three children born of the marriage.

¹We previously ordered rebriefing due to deficiencies in the record presented on appeal. See *Johnson v. Johnson*, 2023 Ark. App. 122.

April was awarded custody; Bradley was awarded visitation every other weekend and certain holidays. Bradley was ordered to pay child support in the amount of 25 percent of all net income received from employment, including bonuses. The circuit court ordered Bradley to pay \$1070 a month in child support based on a finding that his net monthly income was \$3862, excluding bonuses. In 2007, following a return to court, April's motion for contempt was denied, and Bradley, via wage assignment, was ordered to pay child support in the amount of \$1486 a month. Bradley was further ordered to pay April 25 percent of any and all net bonuses immediately upon receipt of said bonuses and shall include documentation of the actual bonus amount. Shortly thereafter, in an agreed order entered on June 21, Bradley was again ordered to pay child support in the amount of 25 percent of all net income received from employment, including bonuses. The parties agreed, and the court found, that Bradley's net monthly income, not including bonuses, as defined in Section II of Supreme Court Administrative Order No. 10, was \$5064. Consequently, Bradley was ordered to pay \$1266 a month in child support. In March 2009, the parties again returned to court to address issues of child support. Bradley was found in willful contempt for his failure to provide wage and income information on a timely basis and for his failure to pay child support in 2007 and 2008, totaling \$5598. Judgment was granted in favor of April for that sum, to be paid out of the equity division from the marital residence. A material change in Bradley's income was also found, which warranted a modification of child support. The circuit court found that Bradley's net income, not including bonuses, was \$5847 a month. He was ordered to pay \$1348 monthly, or \$674 biweekly, in child support. Bradley was also ordered to pay \$3500 in attorney's fees to April's counsel for failure to provide discovery in a timely fashion. In August 2010, the circuit court dismissed, without prejudice, April's September 2009 motion for contempt for lack of proper service. April's August 2013 motion

for modification of child support and other relief was dismissed without prejudice for lack of prosecution pursuant to Arkansas Rule of Civil Procedure 41.

In 2019, April filed yet another motion for an increase in child support, contempt, and other relief. She requested (1) that she be reimbursed for a monthly child-support deficit in the amount of \$112 since entry of the last order;² (2) a modification of child support based on Bradley's increased net income; (3) that any increase be retroactive to the August 2013 modification filing that was dismissed without prejudice; (4) reimbursement for \$1300 in orthodontic expenses incurred on behalf of the minor children; (5) proof of all bonuses Bradley received since June 21, 2007; and (6) that Bradley be held in contempt for his failure to provide his tax information as ordered, his failure to pay the \$3500 in attorney's fees as ordered, his failure to provide proof of his bonus amounts, and his failure to pay the proper amounts.

On July 30, 2019, Bradley filed a response to April's latest motion and, in turn, filed a motion for partial judgment on the pleadings pursuant to Arkansas Rule of Civil Procedure 12(c). In his motion, Bradley stated that April's current action requesting retroactive relief to the year 2013 and reimbursement for orthodontic expenses is barred by res judicata, estoppel, and laches. He stated that in August 2013, she filed a motion for modification of child support and other relief seeking modification of child support and reimbursement for the very same orthodontic bills sought in the current petition. Bradley stated that the July 2018 order dismissing the motion for nonprosecution bars any retroactive relief beyond entry of that order.

²The parties' most recent order for child support was entered in May 2009. Pursuant to that order, Bradley had a net monthly income of \$5847, and child support was set at \$1348 a month, or \$674 biweekly. Biweekly support of \$674 amounts to \$1460 a month, 25 percent of Bradley's net income, creating a monthly child-support deficit of \$112 since May 2009, for a total of \$13,440.

Following a hearing, on February 18, 2020, the circuit court entered an order denying Bradley's motion "in part as to the res judicata element because child support is a right of the child that may be brought individually, unless heard on the merits. This matter was never litigated and there is no statute of limitations issue." The circuit court additionally noted, "There may be a laches element in the lapse of time regarding procurement of evidence, in that records are not kept indefinitely, and [April] demands proof of payment by [Bradley] from 2009 forward." Bradley was ordered to provide April certain tax-related documents and bank records from 2009 forward. Further, the court refused to hold Bradley in contempt for underpayment due to the scrivener's error—\$1348 monthly versus \$674 biweekly.

On May 22, 2020, April filed a verified motion for contempt against Bradley, claiming there are outstanding counseling bills and that he repeatedly failed to reimburse her for his one-half.

The outstanding matters were heard on July 24, 2020. On October 21, following posttrial briefs, the circuit court issued a letter opinion stating the following:

I have had an opportunity to review and consider the pleadings, testimony, evidence, and post-trial briefs in this matter. I find the following by a preponderance of the evidence.

[Bradley] shall receive credit for \$71,332.00 in direct payments to [April] made between May 2009 and June 2020. However, both parties are advised that the Court will not give credit for any payments made outside of the Clearinghouse in the future. The Court adopts [Bradley's] argument that commissions and bonuses are separate and distinct forms of income. [Bradley] is ordered to pay twenty-five percent of his net bonuses, but not his commissions.

The Court adopts [Bradley's] argument that [April] sat on her rights for roughly a decade and permitted [Bradley] to pay for multiple expenditures for the children. The doctrines of estoppel and laches apply and [April] shall not be entitled to any sums of support based upon bonuses prior to the filing of her motion on June 3, 2019. Her recovery shall consist of twenty-five percent of [Bradley's] net bonuses since the date of the filing of the motion, to be calculated by the attorneys. [Bradley] shall not receive any other specific credits for sums paid to Pleasant Valley Country Club on behalf of the children.

[Bradley] is in willful contempt for his failure to timely submit his W-2 forms, failure to provide his tax returns, failure to provide the amounts of his bonuses, and failure to timely pay medical bills. [April] shall submit a fee petition on these issues for the Court's consideration.

With regard to support from August 1, 2020 forward, the Court finds that the shared income model will apply. For purposes of determining [April's] gross income, the parties shall utilize only her income from her current employer. [Bradley's] request to average [April's] salary over a two year period is denied.

Ms. Dickson and Mr. Rowan are directed to use the findings of this letter opinion to calculate the sum of net bonuses due to [April] since June 3, 2019 as well as the current support based upon the shared income model. Ms. Dickson will prepare a precedent with a copy to the Court and to Mr. Rowan, and Mr. Rowan will have five (5) days to object to the form of the precedent.

On June 11, 2021, Bradley filed a motion to reconsider and set aside. It was deemed filed when the order was entered on June 14. In the order, Bradley's monthly child-support obligation was set at \$1356 based on April's monthly gross income of \$7990.45 and Bradley's monthly gross income of \$20,820. Bradley was ordered to pay the minor child's health-insurance premium in the amount of \$124 a month. Bradley was found to have child-support arrears in the amount of \$11,388.98 as of July 24, 2020.³ This amount was reduced to judgment with interest. The court also found, based on additional income, that Bradley owed another \$16,816.35 for 2018 and another \$14,551.31 for 2019, totaling \$31,367.66, which was reduced to judgment with interest.⁴ The circuit court ordered that the \$31,367.66 plus the \$11,388.98 for a total judgment of \$42,756.64 be repaid at the rate of 20 percent of his current monthly child-support obligation. Twenty percent

³The court heard arguments on the issue of arrears via a Zoom conference held on February 11, 2021.

⁴This appears to be a scrivener's error, as the figures correspond to the years 2019 and 2020, respectively, not 2018 and 2019 as noted in the order.

of \$1356 was determined to be \$271.20 a month; therefore, Bradley was ordered to pay \$1627.20 a month in child support until such time as the arrears were paid in full. Once the parties' last minor child reaches the age of majority, Bradley shall continue to pay child support at his then current rate until the judgment is paid in full. In addition, the circuit court ordered Bradley to quarterly pay the sum of \$2500, with the first \$2500 payment due thirty days after entry of the order and continuing until such time as the judgment is paid in full.

The circuit court denied Bradley's pending motion to reconsider and set aside, resulting in a final order pursuant to Arkansas Rules of Appellate Procedure—Civil 2(a)(1) and 4(b).

April's notice of appeal was timely filed on August 9, 2021. Bradley timely filed a notice of cross-appeal on August 19. In an order entered on December 2, April was awarded \$5000 in attorney's fees and costs. Bradley filed a new notice of appeal or, in the alternative, cross-appeal on December 20.

The standard of review for an appeal from a child-support order is de novo on the record, and a finding of fact by the circuit court will not be reversed unless it is clearly erroneous.⁵ A finding is clearly erroneous when, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake has been made.⁶ In reviewing a circuit court's findings, due deference is given to the circuit court's superior position to determine the credibility of the witnesses and the weight to be given to their testimony.⁷ In a child-support determination, the

⁵*Symanietz v. Symanietz*, 2021 Ark. 75, 620 S.W.3d 518.

⁶*Goodson v. Bennett*, 2018 Ark. App. 444, 562 S.W.3d 847.

⁷*Symanietz, supra*.

amount of child support lies within the sound discretion of the circuit court, and that court's findings will not be reversed absent an abuse of discretion.⁸ An abuse of discretion is found when the circuit court acts improvidently, thoughtlessly, or without due consideration.⁹ However, a circuit court's conclusions of law are given no deference on appeal.¹⁰

I. *Direct Appeal*

On appeal, April argues that the circuit court clearly erred in finding that Bradley's commissions are not additional net income for purposes of his child-support obligations. She urges that both his commissions and bonuses are additional net income, and the circuit court erred in finding otherwise. April argues that Bradley should be ordered to pay \$156,091.34, which reflects the percentage owed on his additional net income¹¹ and comprises both commissions and bonuses earned outside of his base pay since 2009 and that he stipulated to in joint exhibit 2. She contends the "effect of not enforcing [Bradley's] obligations to remit 25% of additional net income including commissions grants [him] an impermissible deviation of his child support obligation without any findings from the circuit court."

Bradley's pay structure comprises different categories of income: base salary, commissions, and bonuses. The operative order pertaining to child support during the instant action was entered in 2009. In that order, the circuit court found that Bradley's "net income, not including bonuses, as

⁸*Id.*

⁹*Goodson, supra.*

¹⁰*Symanietz, supra.*

¹¹The percentage owed on additional net income changed from 25 percent in 2009 to 21 percent in 2018 because their eldest child reached majority.

that term is defined in Section II of Supreme Court Administrative Order No. 10, and after deducting health and dental insurance for the minor children, is \$5847.00 per month.” Bradley was ordered to pay \$1348 monthly in child support. The 2009 order did not specifically address commissions, bonuses, or other sources of additional income; however, it provided that all orders not in conflict shall remain in full force and effect. Accordingly, we turn to the prior child-support order for direction. In the prior agreed order entered in June 2007, Bradley was ordered to pay child support in the amount of 25 percent of all net income received from employment, including bonuses. Consequently, because the new order was silent as to bonus income, and the prior order’s provision regarding bonus income was not in conflict, it remained in full force and effect; Bradley was still obligated to pay April 25 percent of his bonus income for the support of the parties’ minor children in addition to the \$1348 monthly child support calculated from his net income, not including bonuses. This is the plain language of the orders. Nevertheless, April argues that Bradley was required to pay 25 percent of all additional net income—commissions and bonuses. However, that interpretation would require the court to insert an obligation that was not expressly stated. At no point throughout the parties’ extensive history of litigation was Bradley ever required to pay additional child support on his commission-based income beyond the set monthly amount. Since the initial child-support order, only bonus income was specifically referenced in connection with “additional net income.” More than a decade later, we decline to retroactively expand Bradley’s child-support obligation to also include commissions. We affirm the circuit court’s finding that Bradley is ordered to pay 25 percent of his net bonuses, but not his commissions.

Furthermore, the then-current version of Section II of Administrative Order No. 10 referenced in the 2009 order set forth the following definition of “income” for purposes of determining child support:

Income means any form of payment, periodic or otherwise, due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers’ compensation, disability, payments pursuant to a pension or retirement program, and interest less proper deductions for:

1. Federal and state income tax;
2. Withholding for Social Security (FICA), Medicare, and railroad retirement;
3. Medical insurance paid for dependent children; and
4. Presently paid support for other dependents by court order, regardless of the date of entry of the order or orders.¹²

To the extent April argues that because Administrative Order No. 10 identifies commissions as income for child-support purposes, and therefore, Bradley was required to pay a percentage of his commissions earned dating back to the 2009 order, we find no reversible error. The 2009 child-support order stated a figure for Bradley’s income and the resulting child-support obligation. April admits that commissions were not averaged into the monthly child-support amount ordered. Yet, April did not appeal from that order or any of the previous orders, based on the circuit court’s alleged failure to include commissions in that figure or to expressly identify commissions as additional income as it did in relation to Bradley’s bonus payments.

Next, the parties agreed that Bradley’s regular child-support obligation from June 2009 to July 2020 totaled \$175,080.98. They further agreed that through June 2020, Bradley paid

¹²Ark. Sup. Ct. Admin. Order No. 10 (2009).

\$89,860.47 in support through the Arkansas child-support “Clearinghouse,” an additional \$1,250 that had yet to be included in the Office of Child Support Enforcement (“OCSE”) records, and he was entitled to a \$2500 credit, amounting to a total of \$93,610.47 in child-support payments during that time. These calculations established that Bradley was in arrears of \$81,470.51 on his regular child-support obligation. The parties also agreed that Bradley had paid April \$71,332 in direct payments. The circuit court gave Bradley credit for the total amount of those direct payments but cautioned that no future credits would be given for payments made outside the Clearinghouse.

April argues that the circuit court erred in crediting Bradley’s “voluntary” payments against arrearages. She does not dispute that Bradley paid her \$71,332 directly. April contends, however, that the circuit court erred in giving Bradley credit for these payments since they were made “outside of a court order.” The parties’ 2009 order provided that Bradley was to pay the child support by wage assignment via the Clearinghouse.

In *Guffey v. Counts*,¹³ Guffey was obligated to pay Counts \$405 a month child support for their two sons. At some point, Guffey informed Counts that his income had increased, and according to the chart from Administrative Order No. 10, his support obligation increased to \$694 a month. He explained to Counts that to avoid legal fees, he would pay the increased amount into the registry each month. He did so for seven years. However, for four months following OCSE’s later petition to increase Guffey’s monthly obligation, he stopped making payments. Guffey’s child-support obligation was eventually increased. Counts filed a contempt petition against Guffey for the four-month gap in payments; Guffey responded that he was entitled to credit for the seven years of

¹³2009 Ark. 410.

overpayments. The circuit court held that Guffey's overpayment to the child-support registry was a voluntary expenditure of child support in excess of what was required; thus, he was not entitled to receive a credit for the overpayment against four months of nonpayment.

In *Glover v. Glover*,¹⁴ our supreme court held that the father was not entitled to a credit against his child-support arrearages for additional support in the way of clothes, airfare, and other incidental expenses of the children that were voluntarily made. As a matter of law, a noncustodial parent is not entitled to credit for voluntary expenditures against child-support obligations.¹⁵ There is nothing in the law to prevent a payor parent from being more generous in the maintenance of his or her child than the court has ordered.¹⁶

Contrary to April's contention, we find *Guffey* and *Glover* factually distinguishable from the present case. In *Guffey*, the case involved voluntary overpayment of child support beyond the required support obligation. Here, there is no overpayment. Bradley's direct payments to April were not in excess of his court-ordered obligation. During the time periods Bradley was making direct payments to April, he largely ceased submitting payments through the Clearinghouse. Bradley testified that he stopped making payments through the Clearinghouse for "multiple reasons." He stated the following:

When I lost my job — — when I lost one job and it stopped going directly to the State, and there were multiple times that April had asked for checks because she needed them early. There was one time where I was sick and was unable to work, where I went to Mayo Clinic and was not getting checks, was not getting paid, but still gave April the checks during those times of illness where I was at Mayo Clinic and — — and UAMS during those times. And

¹⁴268 Ark. 506, 598 S.W.2d 736 (1980).

¹⁵*Id.*

¹⁶*Loomis v. Loomis*, 221 Ark. 743, 255 S.W.2d 671 (1953).

so there were multiple times that I just — — and then I'd bounce back and do it. But there were multiple reasons.

The record establishes that Bradley's direct payments were consistent with, and in satisfaction of, his court-ordered child-support obligation.¹⁷ April makes no claim that she viewed the payments as anything other than Bradley's court-ordered child-support payments. Her only argument is that because it was not paid through the registry, it should not be credited toward Bradley's arrearages.

Further, because the payments were in accordance with his court-ordered child support, they cannot be deemed "voluntary" payments for which he is not entitled to credit. April acknowledges that she received the payments from Bradley. And she makes no claim that the payments were "overpayments." She contends only that he should not be given credit for the payments because he failed to utilize the Clearinghouse for the payments. This is not a situation of overpayment or voluntary expenditures as in the cases relied on by April. Bypassing the Clearinghouse and making court-ordered payments directly to April did not serve to make the payments voluntary or gifts because Bradley was legally required to pay the child support to April. We are not persuaded by April's argument that using the "incorrect mechanism" for the payments disqualifies it from credit toward Bradley's child-support obligation.

II. *Cross-Appeal*

Bradley raises several points on cross-appeal. As to his first challenge, we find his argument to be unclear. However, from what we could glean from our thorough reading, the crux of Bradley's

¹⁷The evidence demonstrates that on nearly half of the checks, child support was noted. For example, the memo line designated things such as "child support," "Nov child support & bonus," "1/2 Feb child support" and "Oct & part of Nov CS." Additionally, the sixty direct-payment checks were paid to April once a month in an amount consistent with Bradley's court-ordered child-support payments.

argument is that the circuit court erred in ordering him to pay \$31,367.66 on his net additional income. The circuit court, in its order, found that the doctrines of laches and estoppel applied because April sat on her rights for approximately a decade and permitted Bradley to pay for multiple expenditures for the children. Accordingly, the court found that April was not entitled to any sums of support based on Bradley's bonus income prior to the June 3, 2019, filing of her motion. The court noted that April's recovery was limited to 25 percent of Bradley's bonus income since the date the motion was filed. The circuit court then ordered Bradley to pay "\$16,816.35 for 2018 and \$14,551.31 for 2019 totaling \$31,367.66" on his net additional income. Bradley contends that these provisions are conflicting. He argues that on one hand, the court held that April was not entitled to any sums of support based on bonuses prior to the June 3, 2019, filing of the motion due to the doctrines of laches and estoppel; yet, on the other hand, the court proceeded to order him to pay based on his additional income for time periods prior to the date the motion was filed. However, as we stated in footnote 5, this appears to be a scrivener's error because the figures correspond to the years 2019 and 2020, respectively, not 2018 and 2019 as noted in the order.

To the extent Bradley argues that the circuit court erred in ordering him to pay based on additional income received in 2019 prior to the filing of the motion, we cannot say there was an abuse of discretion. There was no testimony or evidence presented that divided the year 2019 into pre- and post-filing for purposes of earned additional income, only evidence of additional income for the entire year. In a child-support determination, the amount of child support lies within the sound discretion of the circuit court, and that court's findings will not be reversed absent an abuse of that

discretion.¹⁸ An abuse of discretion is found when the circuit court acts improvidently, thoughtlessly, or without due consideration.¹⁹ We cannot say the circuit court acted improvidently, thoughtlessly, or without due consideration in ordering support utilizing the figures it was presented with respect to additional income.

Along those same lines, we cannot say the court clearly erred in calculating Bradley's additional support based on the total "net additional income." He argues that net additional income encompassed "mostly commission" and not bonuses, and the circuit court found that April was not entitled to a portion of commissions. Again, we cannot say the circuit court abused its discretion: there were no definite numbers presented as to what portion of the additional income was attributed to commissions and what portion was derived from bonus payments.

Bradley next asserts that the circuit court erroneously found him in contempt. To establish contempt, there must be willful disobedience of a valid order of a court.²⁰ Before a person can be held in contempt for violating a court's order, the order must be definite in its terms, clear as to what duties it imposes, and express in its commands.²¹ This court will not reverse a finding of civil contempt unless it is clearly against the preponderance of the evidence.²² A contempt finding is clearly against the preponderance of the evidence if, although there is evidence to support it, the

¹⁸*Id.*

¹⁹*Goodson, supra.*

²⁰*Williams v. Arnold*, 2015 Ark. App. 715, 479 S.W.3d 56.

²¹*Id.*

²²*Elder v. Elder*, 2018 Ark. App. 276, 549 S.W.3d 919.

reviewing court on the entire evidence is left with a definite and firm conviction that a mistake has been made.²³

In challenging the circuit court's finding that he was in contempt, Bradley contends that he did not willfully fail to obey a valid court order. In support of his argument, Bradley claims that he provided April's former attorney with his W-2s and tax returns. He contends there is no evidence refuting his claim; April testified that she and her attorney had poor communication throughout their attorney-client relationship, and April could not verify what, if anything, Bradley had provided to her former attorney.

Bradley further argues that regarding the failure to timely pay certain medical bills, he did so on the advice of counsel. Specifically, he contends he did not reimburse April for the counseling bills because he did not know why the children were going to counseling, he did not know why they were under the care of an out-of-network counselor, and he did not understand why they were not using the United Healthcare insurance. Bradley claims that his attorney advised him not to pay the counseling bills at that time.

In this case, the circuit court held Bradley in contempt for multiple reasons: failure to timely submit his W-2 forms, failure to provide his tax returns, failure to timely pay medical bills, and failure to provide the amounts of his bonuses. While Bradley addresses the contempt finding as it relates to the W-2 forms, tax returns, and medical bills, he failed to challenge the court's finding that he was in contempt for not providing information related to his bonus payments. When two or more alternative reasons are given for a decision and an appellant does not attack them all, we must affirm.²⁴

²³*Id.*

²⁴*Rye v. Rye*, 2021 Ark. App. 286, 625 S.W.3d 761.

For his last point, Bradley argues that the circuit court's award of \$5000 in attorney's fees to April was clearly erroneous, and he seeks reversal. As a general rule, attorney's fees are not allowed in the absence of a statute permitting them; however, a circuit court has the inherent power to award attorney's fees in domestic-relations proceedings.²⁵ When awarding attorney's fees in a domestic-relations case, where the court is intimately acquainted with the record and the quality of services rendered, we have held that the circuit court is in a better position than this court to evaluate the services of counsel and observe the parties, their level of cooperation, and their obedience to court orders.²⁶ We will not reverse a circuit court's decision regarding attorney's fees absent an abuse of discretion.²⁷

Here, in the order entered on June 14, 2021, the circuit court provided that April may petition for attorney's fees on contempt and child-support arrears. Accordingly, on June 24, April moved for attorney's fees in the amount of \$9,275.66 and attached as an exhibit a detailed statement of the legal fees she incurred during the time frame relevant to the instant litigation.²⁸ Although Bradley objected to the attorney's fees, the circuit court ordered him to pay April \$5000 in fees and costs within ninety days of entry of the order.

²⁵*Hudson v. Hudson*, 2018 Ark. App. 379, 555 S.W.3d 902.

²⁶*Id.*

²⁷*Conley v. Conley*, 2019 Ark. App. 424, 587 S.W.3d 241.

²⁸The statement established that April incurred \$14,567.30 in legal fees during the action; however, she requested an award of attorney's fees totaling only \$9275.66.

Bradley contends that the award of attorney’s fees constitutes an abuse of discretion because April was not the prevailing party in all matters, April contributed to the lengthy litigation, and the award “is significantly attributed to the parties’ disparate incomes.”

First, determination of the prevailing party can be a relevant consideration.²⁹ However, there is no requirement that a party prevail in order to be awarded fees.³⁰ Second, the relative financial ability of each party is a consideration, but it is not determinative.³¹ Bradley offers no support for his claim that the attorney’s-fee award was related to the difference between the parties’ income other than that he “earns \$20,820/monthly, compared to April’s income of \$7,990.45/monthly.” The mere fact that he earns significantly more income than April does not establish that it was the court’s sole basis for the award. The order awarding attorney’s fees did not make detailed findings. Findings of fact and conclusions of law are unnecessary on decisions of motions under the rules of civil procedure.³² “Unless the contrary can be shown, we presume that the circuit court acted properly and made such findings of fact as were necessary to support its judgment.”³³

In the case at bar, April was awarded just over half of the attorney’s fees she requested. The action covered an extended time period, Bradley was found to have child-support arrears, and he was held in contempt for multiple reasons. Despite his contention to the contrary, Bradley has failed to

²⁹*Folkers v. Buchy*, 2019 Ark. App. 30, 570 S.W.3d 496.

³⁰*Haeber v. Day*, 2022 Ark. App. 171, 643 S.W.3d 875.

³¹*Webb v. Webb*, 2014 Ark. App. 697, 450 S.W.3d 265.

³²*Davis v. Williams*, 359 Ark. 33, 194 S.W.3d 197 (2004).

³³*Wyatt v. Wyatt*, 2018 Ark. App. 177, at 7, 545 S.W.3d 796, 802.

demonstrate a clear abuse of discretion in the circuit court's award of attorney's fees. Thus, we affirm the circuit court's order directing Bradley to pay \$5000 for April's attorney's fees.

For the foregoing reasons, we affirm the circuit court's order in this child-support action.

Affirmed on direct appeal; affirmed on cross-appeal.

HARRISON, C.J., and KLAPPENBACH, J., agree.

LaCerra, Dickson, Hoover & Roger, PLLC, by: *Natalie Dickson* and *Lauren Hoover*, for appellant/cross-appellee.

Dusti Standridge, for appellee/cross-appellant.