

Cite as 2024 Ark. App. 213
ARKANSAS COURT OF APPEALS
DIVISION IV
No. CV-22-714

MARY CORINNE SMART-MOORE
APPELLANT

V.

JAMES MOORE
APPELLEE

Opinion Delivered March 27, 2024

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
FOURTEENTH DIVISION
[NO. 60DR-21-2333]

HONORABLE SHAWN J. JOHNSON,
JUDGE

REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD

CINDY GRACE THYER, Judge

Mary Corinne Smart-Moore and James Moore were divorced on June 27, 2022, after a four-and-a-half-year marriage. Mary appeals from the divorce decree, arguing that the Pulaski County Circuit Court abused its discretion in its calculation of child support and erred in its characterization of certain property as marital property. Because our record does not contain the child-support worksheet on which the circuit court’s child-support order relies, as is required under Administrative Order No. 10, we must remand for the record to be settled and supplemented.

Our record reflects that Mary and James were married on December 31, 2017. They have one child, MC. On July 22, 2021, Mary filed a complaint for separate maintenance

requesting full custody of MC, spousal and child support, an award of possession of real and personal property, and a temporary division of debts.

James answered and counterclaimed for divorce. In his complaint, he requested custody of MC, subject to Mary's visitation. He also asked for child support and to have the marital debt and property adjudicated.

Mary responded to the divorce complaint with a general denial and asked that James's complaint be dismissed.

A hearing was held on the parties' complaints on May 26, 2022. At the outset of the hearing, Mary nonsuited her complaint for legal separation, waived corroboration of grounds, and indicated her agreement to the entry of a decree of divorce.

At the conclusion of the hearing, the court granted James's request for a divorce, awarded the parties joint legal and physical custody of MC, and ordered Mary to pay James \$1,174 a month in child support. The court further found that a portion of the parties' lake house located in Hot Springs, Arkansas, constituted marital property and ordered the property sold and a portion of the proceeds divided.

Mary now appeals, challenging the court's award of child support and its characterization of a portion of the Hot Springs property as marital. However, because our record does not contain a copy of the child-support worksheet relied on by the circuit court, we must remand to settle and supplement the record.

Administrative Order No. 10(III)(7) provides, in pertinent part, that the child-support worksheet "*shall* be filed in the court file and attached to the order that includes the child-

support award.” (Emphasis added.) While the divorce decree in this case states that the child-support worksheet on which the award was based is attached and incorporated therein as required by Administrative Order No. 10, no such worksheet is contained in our record—either attached to the decree or otherwise filed in the record.¹ Therefore, we must remand the matter to the circuit court to settle the record by including the appropriate worksheet. Thereafter, the parties are directed to supplement the record on appeal.

Remanded to settle and supplement the record.

ABRAMSON and VIRDEN, JJ., agree.

Mann & Kemp, PLLC, by: *Angela Mann*, for appellant.

Robertson, Oswalt & Nony, by: *Chris Oswalt*, for appellee.

¹We recognize that this court recently concluded in *David v. David*, 2023 Ark. App. 568, 682 S.W.3d 327, that a remand was not necessary, despite the failure of the parties to attach the child-support worksheet to the order awarding support. However, in that case, the worksheets were clearly in the record and relied on by the circuit court. That is not the case here; thus, *David* is distinguishable.