IN THE COURT OF APPEALS OF IOWA

No. 1-991 / 11-0387
Filed February 1, 2012

LINDA KAY THOMSON,
Petitioner-Appellee,

vs.

KEVIN LYNN BROWN,
Respondent -Appellant,

DARLENE L. MANES,
Respondent.

Appeal from the Iowa District Court for Davis County, Joel D. Yates, Judge.

A father appeals a district court ruling declining to adopt a recommendation of the Child Support Recovery Unit to reduce his child support obligation. **AFFIRMED.**

Kevin L. Brown, Phoenix, Arizona, appellant pro se.

Thomas J. Miller, Attorney General, Patricia R. Hemphill, Jennifer S. Allison, and Robert Forrest, Assistant Attorneys General, for appellee State.

Michael O. Carpenter of Gaumer, Emanuel, Carpenter & Goldsmith, P.C., Ottumwa, for appellee Linda Thomson.

Considered by Vaitheswaran, P.J., and Potterfield and Doyle, JJ.

VAITHESWARAN, P.J.

Kevin Brown appeals a district court ruling declining to adopt a recommendation of the Child Support Recovery Unit to reduce his child support obligation.

I. Background Facts and Proceedings

The Child Support Recovery Unit (CSRU) initiated an administrative action to review Brown's child support obligation of $321 per month. *See* Iowa Code ch. 252H (2009). After obtaining information from Brown and the child's mother, Linda Thomson, the CSRU prepared a child support guidelines worksheet listing Brown's income as zero and issuing a notice of decision reducing Brown's obligation to ten dollars per month. The notice of decision informed Brown, "If you don't come to the hearing, the court may enter the order without your input."

Thomson disagreed with CSRU's decision and requested a district court hearing. *See* Iowa Code § 252H.8(1). The CSRU responded by providing the district court with a certified record of "the applicable documents," as required by statute. *See id.* § 252H.8(4). A hearing on Thomson's review request was postponed once, at the request of the CSRU. Brown was notified of the rescheduled hearing date but did not appear.

The district court noted Brown's non-appearance in its order, then found no substantial change of circumstances warranting a reduction of his child support obligation. The court concluded, "Based on the present financial circumstances of the parents, [Brown] shall pay the amount of $321.00 per month as child support."

On appeal, Brown essentially contends the evidence is insufficient to support the district court's order. CSRU responds that several procedural hurdles preclude consideration of the merits. We agree, finding it necessary to address only one of those hurdles.

II. Analysis

Iowa Code section 252H.8(12) states:

> If a party fails to appear at the hearing, upon a showing of proper notice to the party, the court may find the party in default and enter an appropriate order.

"[W]hen a default judgment is involved no specific issues could have been preserved. Therefore, in such instances, review is ordinarily limited 'to determin(ing) whether the relief granted exceeded or was inconsistent with the demands made in the petition.'" *In re Marriage of Huston*, 263 N.W.2d 697, 700 (Iowa 1978) (quoting *Claeys v. Modenschardt*, 169 N.W.2d 885, 886 (Iowa 1969)).

Because Brown did not appear at the rescheduled hearing, the district court was free to find him in default and enter an "appropriate order." The court did just that. Although the term "default" was not used, the court noted Brown's non-appearance and entered an order that was inconsistent with his interests and consistent with Thomson's request. Additionally, the relief ordered fell within statutorily-authorized parameters. *See* Iowa Code § 252H.3(1) (stating hearing is to "be limited in scope to the adjustment or modification of the child or medical support or cost-of-living alteration of the child support provisions of a support order").

Given the entry of a default judgment, Brown is precluded from arguing the sufficiency of the facts on appeal. *See Rowan v. Everhard*, 554 N.W.2d 548, 550 (Iowa 1996); *see also* Iowa R. Civ. P. 1.976 ("The judgment may award any relief consistent with the petition and embraced in its issues; but unless the defaulting party has appeared, it cannot exceed what is demanded."). As this is the sole basis for his appeal, we affirm.[1]

AFFIRMED.

[1] Brown asserts that a representative of the CSRU told him he did not have to appear at the hearing. This bare allegation is insufficient to establish equitable estoppel against the State. *See ABC Disposal Sys., Inc. v. Dep't of Natural Res.*, 681 N.W.2d 596, 607 (Iowa 2004) ("We have consistently held equitable estoppel will not lie against a government agency except in exceptional circumstances."); *Good's Furniture House, Inc. v. Iowa State Bd. of Tax Review*, 382 N.W.2d 145, 151 (Iowa1986) (requiring party asserting estoppel against the State "to establish with strict proof each element of estoppel").