

IN THE COURT OF APPEALS OF IOWA

No. 6-581 / 06-0112

Filed August 9, 2006

IN RE THE MARRIGE OF RICHARD J. ETRINGER AND DEBRA M. ETRINGER

**Upon the Petition of
RICHARD J. ETRINGER,**
Petitioner-Appellant,

And Concerning

**DEBRA M. ETRINGER, n/k/a
DEBRA M. EARLE,**
Respondent-Appellee.

Appeal from the Iowa District Court for Black Hawk County, Kellyann M. Lekar, Judge.

Richard Etringer appeals from an order modifying a dissolution decree and fixing child support obligations. **AFFIRMED.**

Brian Sayer of Dunakey & Klatt, P.C., Waterloo, for appellant.

John Wood of Beecher, Field, Walker, Morris, Hoffman & Johnson, P.C., Waterloo, for appellee.

Considered by Sackett, C.J., and Hecht and Vaitheswaran, JJ.

SACKETT, C.J.

In this appeal from an order modifying a dissolution decree and fixing a child support obligation, the sole issue is whether the district court should have fixed an earlier date to start the child support obligation of appellee, Debra M. Earle. Based on the record made we affirm the district court.

The marriage of appellant, Richard J. Etringer, and appellee, Debra M. Earle, was dissolved in December 1992. The parties had three children and following the dissolution the primary physical care of the children was shifted several times, primarily by agreement of the parties. By March 9, 2005, when Richard filed the application to modify that led to this appeal, the older children had passed their eighteenth birthdays and the issues of custody and child support concerned only the parties' youngest child, Trisha. Richard sought primary care of Trisha and asked that Debra be ordered to pay child support.

On November 1, 2005, the district court approved an agreement of the parties that Trisha be placed in Richard's primary care and entered an order to that effect. The court further ordered that each party should submit to the court what Debra's child support should be under the child support guidelines and should state their position as to the date that Debra's support obligation for Trisha should begin.

Richard's statement was that he should not owe Debra child support from February 2005 onward because that was when Trisha moved in with him and that Debra's child support obligation should be \$524.71 a month from February 2005. He also asserted Debra should be responsible for Trisha's tuition while Trisha was in Debra's care in the amount of \$713.33. His contention is that

Debra kicked Trisha out of her home and that was why Trisha came to live with him.

Debra's statement was that she did not believe she had an obligation to provide support for Trisha when Robert yet owed her child support for the time Trisha resided with her. She further contends she did not kick Trisha out.

In addition, Richard made certain requests for admissions which Debra answered. Debra denied that (1) Richard was current with his child support, (2) she should pay back-support for Trisha to February 2005, (3) she kicked Trisha out of her house in February 2005, (4) Richard should not have any child support obligation from February 2005, and (6) Trisha had been living primarily with Richard for over one year as of November 1, 2004. Debra admitted that (1) Trisha had been living with Richard since February 2005, (2) Trisha only lived with her for three months, and (3) she had sufficient funds to pay her own attorney fees and costs of this action and should be ordered to do so.

On December 29, 2005 the district court noted it had received statements to the court regarding child support from Richard and Debra and Richard's reply to Debra's petition. No other evidence was taken by the district court. Based on these documents the court found that Debra should pay child support of \$524.71 a month to Richard beginning November 1, 2005, the date custody was modified by the court. The court further found Richard's child support obligation under the previous order should be suspended effective March 1, 2005 and should terminate on October 31, 2005.

Debra contends the district court did equity in suspending Richard's child support effective March 1, 2005 and that she showed that Richard failed to pay his support obligation for Trisha while she was in her care.

We have no record on which to review Richard's claim that the district court incorrectly determined the date Debra's child support obligation should begin. It is the appellant's duty to provide a record on appeal affirmatively disclosing the alleged error relied upon. *In re F.W.S.*, 698 N.W.2d 134, 135 (Iowa 2005); *State v. Ludwig*, 305 N.W.2d 511, 513 (Iowa 1981); *Wende v. Orv Rocker Ford Lincoln Mercury*, 530 N.W.2d 92, 95 (Iowa Ct. App. 1995). The court may not speculate as to what took place or predicate error on such speculation. *F.W.S.*, 689 N.W. 2d at 135. Having nothing to review, we affirm the district court.

AFFIRMED.