

NOT DESIGNATED FOR PUBLICATION

No. 124,259

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

In the Matter of the Marriage of
NICHOLAS JOHN STALLBAUMER,
Appellant,

and

DENA LOUISE STALLBAUMER,
Appellee.

MEMORANDUM OPINION

Appeal from Shawnee District Court; LORI D. DOUGHERTY-BICHSEL, judge. Opinion filed April 14, 2023. Affirmed.

Nicholas John Stallbaumer, appellant pro se.

Wayne L. French, of Mack & Associates, LLC, of Topeka, for appellee.

Before ATCHESON, P.J., SCHROEDER and GARDNER, JJ.

PER CURIAM: Nicholas John Stallbaumer initiated divorce proceedings to end his 12-year marriage to Dena Stallbaumer and now appeals various rulings of the Shawnee County District Court related to child support, spousal maintenance, and one aspect of the division of marital assets and liabilities. Stallbaumer represented himself throughout the district court proceedings and continues to do so in this appeal. His brief largely fails to identify cognizable errors and appropriate supporting legal authority for the points he raises—frailties that commonly undermine the work of litigants who try to do it

themselves. Having carefully considered the appellate submissions and the district court record, we find no errors in the district court's rulings.

Stallbaumer filed the petition for divorce in August 2019. He and Dena have two minor children. The district court promptly entered customary temporary orders, and numerous motions and orders on an array of procedural and substantive matters followed. The record indicates Stallbaumer was the principal stay-at-home parent and, therefore, had both actual and imputed income much less than what Dena earned. The district court issued the decree of divorce in May 2021. Stallbaumer timely filed a notice of appeal.

Stallbaumer's appellate brief opens with a narrative of the district court proceedings punctuated with various criticisms of how things were handled there. That commentary does not translate into specific issues for our review. But Stallbaumer then delineates four points he contends constitute reversible error. We take those up, adding factual context for them as necessary.

- Stallbaumer asserts the district court erred in modifying the temporary child support order entered during the divorce proceeding because Dena had not shown a material change in circumstances. He cites K.S.A. 2022 Supp. 23-3005 in support of this claim. Stallbaumer's legal premise is faulty. Although K.S.A. 2022 Supp. 23-3005 requires either changed circumstances or the passage of three years before a party can request modification of child support, the statute applies to a final order in the decree or a modification of that order. See K.S.A. 2022 Supp. 23-2711(a)(4). Temporary support orders are governed by K.S.A. 2022 Supp. 23-2707(a)(4), and a district court acting within its sound discretion may modify them without a showing of changed circumstances.

Stallbaumer has not identified specifically how the change in the temporary child support order amounted to an abuse of judicial discretion or was otherwise erroneous in a

way that ultimately prejudiced him, especially since any temporary orders were superseded by the orders in the divorce decree. We find no error based on Stallbaumer's claim.

- Stallbaumer asserts the district court abused its discretion by requiring Dena to pay all direct expenses for the children, except for clothing kept in the respective parental residences. He cites Dena's substantially higher income and points to some medical costs he paid, the entry of an income withholding order, and a purported misallocation of the clothing expenses. Even assuming the accuracy of those representations, Stallbaumer does not identify a specific legal error, let alone one amounting to an abuse of discretion. See *Biglow v. Eidenberg*, 308 Kan 873, 893, 424 P.3d 515 (2018) (district court abuses judicial discretion when it relies on material mistake of fact, acts outside governing legal framework, or comes to conclusion no reasonable judge would in comparable circumstances). Likewise, Stallbaumer asks that we set aside the final child support order and remand to the district court for further proceedings. That sort of generic remedy would be inappropriate had he described a particularized error—the remedy would have to be tailored to the error. The point, as Stallbaumer had framed it, lacks merit.

- Stallbaumer asserts the district court erred in the divorce decree when it reduced the monthly spousal maintenance he receives from Dena by the monthly child support she pays. The district court is to set spousal maintenance in a "fair, just[,] and equitable" amount under the circumstances. K.S.A. 2022 Supp. 23-2902. Stallbaumer offers no authority for the proposition that the amount of child support paid should be disregarded as a circumstance to be considered, among myriad considerations, in setting spousal maintenance. The proposition is, on its face, counterintuitive. The more one parent pays in child support, the less the other parent must spend on child-rearing expenses. In turn, the parent benefiting from the child support in that way may use the realized gain to cover his or her own living expenses—reducing the amount he or she may need in spousal maintenance. That's consistent with the treatment of spousal maintenance in the

standard child support worksheets submitted to district courts in divorce proceedings. Stallbaumer's claim, therefore, fails to articulate a legal error.

In addition, however, the district court entered an order on August 26, 2021, reducing the amount of spousal maintenance set in the decree to correctly take account of Dena's income. The modification order was prospective only. Stallbaumer filed his notice of appeal from the decree on June 18, 2021, and did not appeal the August 26 modification order. We, therefore, do not have jurisdiction to consider the modified order and the amount of spousal maintenance to be paid since its entry.

- Stallbaumer asserts the district court erred in allocating 25 percent of the debt on various credit cards to him and 75 percent to Dena. Stallbaumer again relies on Dena's greater earning capacity as supporting the claimed error. The division of marital assets and liabilities lies within the district court's sound judicial discretion, and we will disturb the division only for an abuse of that broad authority. *In re Marriage of Thrailkill*, 57 Kan. App. 2d 244, 261, 452 P.3d 392 (2019). Stallbaumer neither attributes any dollar amount to the credit card debt nor shows how the division of that debt was unlawful or so grossly unfair as to be an abuse of discretion in light of the district court's overall allocation of the marital assets and liabilities. In short, Stallbaumer has shown no error on this point.

Affirmed.