

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STEPHANIE ANN HECK

RESPONDENT,

**v.
DOUGLAS S. HECK**

APPELLANT.

DOCKET NUMBER WD71642
DATE: August 24, 2010

Appeal From:

Andrew County Circuit Court
The Honorable Michael J. Ordnung, Judge

Appellate Judges:

Division One: James M. Smart, Jr., Presiding Judge, Mark Pfeiffer and Cynthia L. Martin,
Judges

Attorneys:

Michael L. Taylor and Benjamin S. Creedy, St. Joseph, MO, for respondent.

John R. Shank, Jr. and Ryan J. Springer, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STEPHANIE ANN HECK,

RESPONDENT,

v.

DOUGLAS S. HECK,

APPELLANT.

No. WD71642

Andrew County

Before Division One: James M. Smart, Jr., Presiding Judge, Mark Pfeiffer and Cynthia L. Martin, Judges

Douglas Heck appeals from the trial court's judgment dissolving his marriage to Stephanie Heck. Father contends that the trial court erred in: (1) calculating his child support obligation because the trial court's imputation of annual income of \$100,000 to Father was not supported by substantial evidence, and (2) awarding Mother both retroactive child support and a monetary judgment for a past due child care bill because child care expenses were already included in calculating the retroactive child support amount.

AFFIRMED.

Division One holds:

(1) The trial court's imputation of income to Father was supported by substantial evidence. Father's reported earnings were \$126,234 in 2007 and \$99,758 in 2008. The \$100,000 annual income imputed to Father by the trial court was within the range of Father's net income as reflected on the tax returns in the record. Father was not prevented from meeting his earning potential due to forces beyond his control. Father purposefully engaged in conduct designed to avoid meeting his earning potential for the express purpose of manipulating the calculation of child support.

(2) Because Father did not raise the prospect of a duplicative award with the trial court, the trial court was not given an opportunity to correct any claimed mistake, and this issue has not been preserved for review. Even had Father preserved this argument for review, Father would not prevail as the record is void of any evidence indicating when the unpaid child care bill was incurred.

Opinion by: Cynthia L. Martin, Judge

August 24, 2010

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