MISSOURI COURT OF APPEALS
WESTERN DISTRICT

BETHANY D. HARRIS, Respondent,
v.
DOUGLAS L. HARRIS, Appellant.

DOCKET NUMBER WD84946

DATE: November 8, 2022

Appeal From:

Moniteau County Circuit Court
The Honorable Aaron John Martin, Judge

Appellate Judges:

Gary D. Witt, Chief Judge, Presiding, Mark D. Pfeiffer, Judge and Louis Angles, Special Judge

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Attorneys:

Scott Hamblin, Jefferson City, MO, for respondent.

Sara Catherine Michael, Jefferson City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT

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v.
DOUGLAS L. HARRIS, Appellant.

WD84946 Moniteau County

Before Division Four Judges: Gary D. Witt, Chief Judge, Presiding, Mark D. Pfeiffer, Judge and Louis Angles, Judge

Douglas Harris ("Husband") appeals the judgment of the Circuit Court of Moniteau County, Missouri ("trial court"), granting the parties dissolution of their marriage; dividing their marital property; ordering Husband to pay child support and maintenance to Bethany Harris ("Wife"); and providing a parenting plan for the parties and their six minor children. On appeal, Husband claims that the trial court erred in: (1) awarding child support based on an improper imputation of income to Husband; (2) awarding child support in that the amount ordered exceeded his ability to pay; (3) finding that Wife had no income for the purposes of calculating child support in that the trial court should have counted the earned income tax credit as income to Wife; (4) awarding Wife maintenance because the earned income tax credit should have been counted as income to Wife and the amount of maintenance exceeded Husband's ability to pay; and (5) valuing the marital home and awarding it to Wife instead of accepting Husband's higher valuation and awarding the home to Husband.

AFFIRMED.

Division Four holds:

1. The trial court did not err in calculating child support based on an income imputed to Husband of $8,000 per month. Although Husband was employed full time at the time of trial and was earning significantly less than $8,000 per month, the trial court found that during the marriage, Husband earned much more by working seventy-five to 100 hours per week while Wife, by agreement of the parties, stayed home to raise the couple's eight children and home-school them. Husband acknowledged he could still support himself and his family, but refused to do so if the marriage ended. It was not error for the trial court to examine Husband's past earnings to impute income.

2. The trial court's award of child support was not against the weight of the evidence in that it exceeded Husband's ability to pay. The trial court found that Husband

had earned as much as $10,829 per month in the past, and that his income tax returns for previous years did not accurately reflect his income. Husband voluntarily reduced his income after Wife filed for divorce to avoid paying Wife.

3. Husband's claims that the trial court in failing to attribute tax credits to Wife as income were not raised before the trial court, are not supported by evidence, and were not preserved for appeal.

4. The trial court did not abuse its discretion in valuing the marital home and awarding it to Wife. The valuation of the Home by the trial court was supported by expert testimony, and Wife and the couple's six minor children all lived in the marital home.

Opinion by: Gary D. Witt, Judge November 8, 2022

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