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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re Marriage of D. and P. L.

2d Civil No. B269649
(Super. Ct. No. D314380)
(Ventura County)

D.L.,

Respondent,

v.

P.S.,

Appellant.

P.S. (Mother) appeals postjudgment orders requiring her to reimburse D.L. (Father) for overpayment of his child support obligation and denying Mother's request to retroactively modify a 2010 child support order. We affirm.

BACKGROUND

Mother and Father have a daughter, P.L., born in 2006. In 2010, the court ordered Father to pay \$373 monthly for

child support. He did so, either directly or through an income withholding order.

In 2013, Father applied for Social Security retirement benefits. Two years later, the Social Security Administration notified Mother it had awarded child's benefits to P.L. in the amount of \$693 monthly starting May 2013. It paid Mother a lump sum of \$17,720 for the benefits that had accrued, and \$693 monthly thereafter. In August 2015, an income withholding order was terminated because the \$693 monthly child's benefit exceeded Father's \$373 monthly obligation. The child's benefit payments for May 2013 through August 2015 overlapped with Father's child support payments.

In 2015, Father asked the trial court to order Mother to reimburse him for the overlapping payments. Mother opposed the request and asked the court to modify the 2010 order to increase child support retroactively because, she argued, the court should have imputed income to Father for the practice of law from which he claimed to be retired. She also asked the court to increase future child support for the same reason and to order Father to reimburse her for certain expenses.

At the hearing, Father told the court he is retired and physically disabled, and his monthly income is limited to \$1,290 in Social Security benefits. Mother offered copies of website pages to demonstrate that Father continues to work preparing legal documents. She told the court that she works part-time, goes to school, spends \$500 monthly on child care, and must borrow money to support herself and the child. She said she used the Social Security lump sum payment to pay debts.

The trial court ordered Mother to reimburse Father \$10,044, consisting of \$373 in monthly overpayments from May

2013 through August 2015. It denied as untimely Mother's request to retroactively modify the 2010 order, but increased future child support to \$571 monthly. The court also granted Mother's request for reimbursement of some expenses.

DISCUSSION

We presume the trial court's orders are correct. Mother has not met her burden to overcome that presumption by demonstrating prejudicial error. (*In re Marriage of McLaughlin* (2000) 82 Cal.App.4th 327, 337.) She does not provide page citations to the record to support her factual and procedural recitations or support her arguments with citation to relevant authority. (Cal. Rules of Court, rule 8.204(a)(1).) We nevertheless reviewed the record and we briefly discuss Mother's contentions.

A trial court may, in its discretion, order reimbursement to a party who overpays child support. (Fam. Code, § 3653, subd. (d); *In re Marriage of Peet* (1978) 84 Cal.App.3d 974, 980.) We will not disturb the trial court's decision to order reimbursement of an overpayment unless it appears there has been a miscarriage of justice. (*In re Marriage of Dandona & Araluce* (2001) 91 Cal.App.4th 1120, 1126.) None appears here.

The trial court reviewed Mother and Father's income, assets, and expenses and determined that reimbursement was appropriate. Mother argues that the reimbursement order creates a hardship because she used the overpayment to repay debt, Father was not truthful about his income or his resources, and repayment is not in the interest of the child in view of Mother's financial situation. But we do not reweigh evidence or reconsider credibility determinations on appeal. (*In re Marriage*

of Dandona & Araluce, supra, 91 Cal.App.4th at p. 1126.)
Substantial evidence supports the trial court's orders. Mother's
ex parte request to reconsider the 2010 support order was
untimely. (Code Civ. Proc., § 1008, subds. (a) & (b).)

DISPOSITION

The orders are affirmed. Respondent shall recover
his costs on appeal.

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TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Michele M. Castillo, Commissioner

Superior Court County of Ventura

P.S., in pro. per., for Appellant.

No appearance for Respondent.