

NOT DESIGNATED FOR PUBLICATION

No. 111,536

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS, *ex rel.*, SECRETARY,  
DEPARTMENT FOR CHILDREN AND FAMILIES,  
B.B., MINOR CHILD,  
BY AND THROUGH NEXT FRIEND,  
AMBER D. BIDZIMOU, AND AMBER D. BIDZIMOU,  
INDIVIDUALLY,  
*Appellees,*

v.

CONSTANT B. BIDZIMOU,  
*Appellant.*

MEMORANDUM OPINION

Appeal from Sedgwick District Court; TERRY L. PULLMAN, judge. Opinion filed May 8, 2015.  
Affirmed.

*Constant B. Bidzimou*, appellant pro se.

*Bradly H. Bergman*, of Veritas HHS, of Kansas City, for appellee.

Before LEBEN, P.J., PIERRON and STANDRIDGE, JJ.

LEBEN, J.: Constant and Amber Bidzimou were married for approximately 10 years and have one child, B.B. Before their 2013 divorce was finalized, Amber asked the Kansas Department for Children and Families to help her get child support for B.B. and assigned her support rights to the State. The Department for Children and Families filed a child-support action against Constant, and the district court ordered Constant to pay \$284

per month in child support. The court also issued an income-withholding order requiring that Constant's employer withhold the money from his paycheck.

Constant has appealed to this court, arguing that he should not have to pay child support because he already pays for things for his son. But Constant can be required to pay child support even when he is already providing financial support for his child. Because Amber has B.B. more often than Constant does, Constant must pay child support to Amber so that B.B. will receive the same proportion of parental income as he would have if his parents had not divorced. Kansas Child Support Guidelines § IV.D.9 (2014 Kan. Ct. R. Annot. 142); Elrod, 2 Kansas Law and Practice, Kansas Family Law § 14:7.

Constant also raises several challenges to the child-support and income-withholding orders in his case. First, he claims that the child-support case was dismissed at the district-court level. But a case is dismissed only through a journal entry signed by the trial judge and filed with the clerk of the court, and there is no indication in the record on appeal that a signed journal entry of dismissal was filed. K.S.A. 2014 Supp. 60-258; *In re Marriage of Wilson*, 245 Kan. 178, Syl. ¶ 1, 777 P.2d 773 (1989).

Constant also contends that the district court should not have immediately issued the first income-withholding order in his case. But a Kansas statute, K.S.A. 2014 Supp. 23-3103(b), requires that all new child-support orders provide for the immediate issuance of an income-withholding order without further notice to the parent who owes child support. This was a new child-support order, so the district court properly entered an income-withholding order.

Constant's final argument on appeal is that the State's attorney lacked authority to establish child support in this case. But Amber assigned her rights to child support to the Secretary of the Department for Children and Families, giving the State the right to

enforce Constant's child-support obligation through an attorney contracting with the State. See K.S.A. 2014 Supp. 39-753(a); K.S.A. 2014 Supp. 39-756(a)(2).

We therefore affirm the district court's judgment.

#### FACTUAL AND PROCEDURAL BACKGROUND

Constant and Amber Bidzimou were married in 2003. Their son, B.B., was born the next year. Constant and Amber divorced in 2013.

Amber asked the Kansas Department for Children and Families to help her get child support for B.B. and consequently assigned her rights to support to the State. In December 2012, the State filed a petition asking the district court to order Constant to pay child support, to pay for B.B.'s health insurance, and to pay for a portion of B.B.'s medical expenses not covered by insurance. Constant filed an answer in response.

On two occasions—April 8, 2013, and June 28, 2013—the district court sent the parties notice that it would dismiss the case in 18 days unless the parties could show why it should not do so. The district court later explained that the notices are sent to reduce the number of dormant cases—those that have been sitting "without any action" for a period of time. The district court explained that these notices "advise people that unless something is done in this case, this case will be dismissed . . . ." According to the district court, however, the case was not dismissed.

Nineteen days after the second notice of potential dismissal was sent, the State filed a motion for judgment on the pleadings, arguing that Constant had not challenged its factual allegations or raised any defenses in his answer. Constant then filed a "proposal" with the court setting out his suggestions for parenting time, holiday schedules, rules for traveling with B.B., child-support obligations, tax issues, and legal custody.

The district court dismissed Constant's proposal and initially decided the case on the pleadings, ordering Constant to pay \$279 per month in child support and \$3,906 in back child support in accordance with the Kansas Child Support Guidelines. A journal entry setting out the court's orders, prepared by the contract attorney for the State and dated March 12, 2014, stated that the district court would file an income-withholding order, requiring that Constant's employer deduct money from his paycheck to cover his child-support obligations, that Constant would be required to continue to pay for B.B.'s dental and health insurance, that any medical expenses not covered by insurance would be split between Constant and Amber based on the child-support worksheet, and that Constant would be able to claim B.B. as a dependent for tax purposes.

Constant appealed the district court's decision in March 2014. He then filed a motion with this court, arguing that the transcript of the hearing where the district court ordered him to pay child support did not reflect what actually happened at the hearing and that the State had not introduced any evidence or argument showing that he should be required to pay child support. This court ordered the district court to conduct a hearing to evaluate Constant's allegations:

"This court is in receipt of [Constant's] Motion to Denounce and Correct Transcript's Content. Resolution of this motion requires fact finding that this court cannot complete. Therefore, this matter is remanded to the district court for the limited purpose of allowing for an evaluation of [Constant's] allegations. This court retains jurisdiction over this appeal. Briefing is stayed. The district court is asked to conduct a hearing as soon as possible given the court's schedule. [Constant] is ordered to serve and file with the Clerk of the Appellate Courts by July 18, 2014, a written report on the status of the remand."

The district court held a hearing in July 2014, and both parties presented evidence. Amber told the court that B.B. lives with her during the week and with Constant from

about 4 p.m. on Friday until Sunday evening. She said that her father watches B.B. while she works during the week and that she pays him \$200 a month for the childcare. Constant told the court that he has B.B. from Friday to Sunday but sometimes has him more than 3 days a week.

After hearing this evidence, the district court ordered Constant to pay \$284 per month in child support, effective January 1, 2013. The district court explained to Constant that he was obligated to pay child support because Amber was the primary residential parent and incurs more expenses because she has B.B. more often:

"In general terms, Mr. Bidzimu, I'll agree [that when] parents [ ] each have some parenting time with a child [they] obviously do each provide some support for the child.

....

"[G]enerally one parent is the primary residential custodial parent and has the child by definition the majority of the time, and the other parent has parenting time. That's the situation we have here. Ms. Bidzimu is the primary residential custodial parent and you are not. She has the child the majority of the time, you have the child the minority of the time.

....

"[B]ecause [primary residential parents] have the child more time than the non-custodial parent obviously has them [they] incur more expense in the day to day support of that child tha[n] is incurred by the non-custodial parent. That's just a logical assessment of the situation. That's the purpose of the child support guidelines, to try and compensate for the benefit of the child the fact the child is going to be spending more time with one parent than the other parent."

The district court also ordered that Constant provide health insurance for B.B., that Constant and Amber split any medical expenses not covered by insurance based on the child-support worksheet, and that Constant, not Amber, have the right to claim B.B. as a dependent for tax purposes. The district court stated that it was submitting the record for this court's review since "[t]estimony and Statements were made on the record addressing the other issues on which the Court of Appeals remanded the case." A few days after the district court filed the journal entry ordering child support, an income-withholding order was issued, which required Constant's employer to withhold his child-support obligation from his paycheck.

Constant filed a status report with this court in July 2014. In his report, he stated that at the hearing on remand, the State had had "nothing to say" about any of the issues he had raised and that the State and the district court had engaged in fraudulent or inappropriate behaviors. In August 2014, he filed a document with the district court containing "additional attachments" to the status report. In that document, Constant challenged the most recent journal entry ordering child support and the income-withholding order. He said that the district court had no basis for authorizing either order because the testimony at the hearing did not support them.

#### ANALYSIS

Constant makes lots of arguments on appeal challenging the two child-support orders in this case. Most of his arguments are focused on the idea that the district court cannot require him to pay child support because he already pays for things for his son. He also argues that the child-support case against him had been dismissed, that the district court should not have issued the first income-withholding order, and that the contract attorney hired by the State lacked authority to establish child support. Based on his arguments, Constant requests that this court vacate the child-support order, order that the

money his employer has withheld from his wages be reimbursed, and order the State to pay him \$170,000 in damages.

*I. Constant Must Pay Child Support.*

Constant's main argument on appeal is that he should not have to pay any amount of child support because he already provides financial support for his son. He points out that he claims B.B. as a dependent for tax purposes and pays for things for B.B., such as housing, insurance, clothing, food, and a bed at his home. Constant says that the State has not offered any evidence that he is not supporting his son and that the district court erred in entering the child-support order without substantial evidence to support it.

We review a district court's order determining the amount of child support for abuse of discretion. *In re Marriage of Thomas*, 49 Kan. App. 2d 952, 954-55, 318 P.3d 672 (2014). The district court abuses its discretion when its decision is based on an error of fact or law or when its decision is so unreasonable that no reasonable person would agree with it. *Northern Natural Gas Co. v. ONEOK Field Services Co.*, 296 Kan. 906, 935, 296 P.3d 1106, *cert. denied* \_\_\_ U.S. \_\_\_, 134 S. Ct. 162 (2013); *In re Marriage of Katona*, No. 109,429, 2014 WL 1612458, at \*4 (Kan. App. 2014) (unpublished opinion). We review the interpretation and application of the Kansas Child Support Guidelines independently, without any required deference to the district court. *In re Marriage of Thomas*, 49 Kan. App. 2d at 954-55.

To consider Constant's argument that he should not have to pay *any* amount of child support, it will be useful first to explain how child support is handled in Kansas.

Child support is intended to cover expenses related to the day-to-day care and well-being of the child—direct expenses like food, clothing, school, and entertainment, as well as indirect expenses like housing, utilities, and transportation. Kansas Child Support

Guidelines § II.A (2014 Kan. Ct. R. Annot. 127). The Kansas Supreme Court has authority to establish child-support guidelines, which are rules judges and hearing officers must follow to decide how much child support parents must pay toward raising their children. K.S.A. 2014 Supp. 20-165; *In re Marriage of Brand*, 273 Kan. 346, 353, 44 P.3d 321 (2002); *In re Marriage of Thomas*, 49 Kan. App. 2d at 955; Kansas Child Support Guidelines § I (2014 Kan. Ct. R. Annot. 127). Under the guidelines, child-support obligations are calculated by completing a child-support worksheet. *In re Marriage of Thurmond*, 265 Kan. 715, 716, 962 P.2d 1064 (1998); Kansas Child Support Guidelines § I (2014 Kan. Ct. R. Annot. 127). The guidelines set out the procedure for completing a worksheet.

To complete the worksheet, the court first adds together the parents' monthly income. The court uses that total to find their basic child-support obligation—the estimated amount they would spend on their child if they were living together—with schedules adopted by the Kansas Supreme Court. Kansas Child Support Guidelines §§ II.C, IV.D.3 (2014 Kan. Ct. R. Annot. 127, 139). The schedules are based on national data regarding average family expenditures for children based on parents' combined income, the number of children in the family, and the ages of the children. Kansas Child Support Guidelines § II.C (2014 Kan. Ct. R. Annot. 127-28). These schedules include a built-in reduction from the average expenditures per child—called the dissolution burden—to make up for the fact that the parents involved in a child-support case are maintaining two households. Kansas Child Support Guidelines § II.C (2014 Kan. Ct. R. Annot. 127).

The court then adds any child-care and insurance costs to the parents' basic child-support obligation and divides the total obligation between the parents based on their proportionate shares of their combined income. See Kansas Child Support Guidelines §§ II.B, IV.D.4, IV.D.5, IV.D.7 (2014 Kan. Ct. R. Annot. 127, 140-42). So while their financial contributions may not be equal, both parents have an obligation to support their

child. The goal is for the child to have the same standard of living as the parents and receive the same proportion of parental income that he or she would have received if the parents had not divorced. Elrod, 2 Kansas Law and Practice, Kansas Family Law § 14:7; Morgan, Child Support Guidelines: Interpretation and Application §§ 1.08, 1.08[B] (2d ed. 2014).

After each parent's child-support obligation is calculated on a worksheet, one parent usually must pay some amount to the other. The parent with primary residency retains his or her proportionate share of the child-support obligation under the presumption that it will be spent directly on the child. Morgan, Child Support Guidelines: Interpretation and Application § 1.08[B] (2d ed. 2014). The parent without primary residency pays his or her share to the other parent (unless he or she proves that the share should be adjusted so much that nothing further is owed). Kansas Child Support Guidelines §§ I, IV.D.9 (2014 Kan. Ct. R. Annot. 127, 142). The court may adjust the child-support obligation of the parent having nonprimary residency to account for the increase of day-to-day expenses as that parent's time with the child increases if the parent requests an adjustment. Kansas Child Support Guidelines § IV.E (2014 Kan. Ct. R. Annot. 142). Child support is ordered in this manner unless the parents have equal incomes and equal parenting time. Elrod, 2 Kansas Law and Practice, Kansas Family Law § 11:15.

With that background, let's now consider Constant's claim that he should not have to pay *any* child support. Under normal circumstances, that can happen in two instances. In the first, Constant would have primary residency and Amber would pay him her child-support obligation. Kansas Child Support Guidelines § IV.D.9 (2014 Kan. Ct. R. Annot. 142). In the second, Constant and Amber would share nearly equal parenting time, and Amber would pay child support based on the fact that she earned more or the fact that Constant covered all direct expenses. See Kansas Child Support Guidelines § III.B.7

(2014 Kan. Ct. R. Annot. 133). In either instance, Constant would need to have B.B. approximately as often or more often than Amber.

The district court, however, ordered Constant to pay Amber child support because it found that Amber has B.B. more often. To determine whether the district court acted within its discretion in ordering child support, we must determine whether that finding—and therefore the child-support order—is supported by substantial evidence. Substantial evidence is legal and relevant evidence that a reasonable person might accept as sufficient to support a conclusion. *Gannon v. State*, 298 Kan. 1107, 1175, 319 P.3d 1196 (2014).

At the evidentiary hearing, Amber told the court that B.B. lives with her during the week and that her father watches B.B. while she works. She said that Constant has B.B. from about 4 p.m. on Friday until Sunday evening. Constant told the court that he sometimes has B.B. more than 3 days per week, but he also testified that he generally has B.B. "from Friday to Sunday." In his proposal to the district court, Constant requested that the district court maintain that parenting schedule. The parents' testimony and Constant's proposal to the district court are substantial evidence that Amber has B.B. more often than Constant does. Accordingly, substantial evidence supports the district court's conclusion that Constant must pay Amber child support.

Amber does not have to pay her child-support obligation to anyone because she is presumably spending it on B.B. when he is in her care. Constant must pay his obligation to Amber because B.B. spends less time with him, and he is spending less of his obligation on B.B. directly. Without Constant's child-support payments, B.B. would not receive the same proportion of parental income that he would receive if his parents were still married.

Constant emphasizes that he pays many expenses directly and provides a home for B.B. But some of the money that Constant already pays for B.B.'s care has been accounted for in the child-support worksheet. The district court subtracted Constant's insurance costs from his child-support obligation, and the obligation amount from the child-support schedule has been reduced to make up for the fact that he maintains a household separate from Amber's.

The remaining expenses not accounted for in the guidelines do not excuse Constant from paying his child-support obligation to Amber. Courts make further adjustments based on particular expenses only when they are in the best interests of the child, and they are not intended to be dollar-for-dollar reductions for expenses incurred. Elrod, 2 Kansas Law and Practice, Kansas Family Law § 14:16. An expense that the parent without primary residency pays does not necessarily benefit the parent with primary residency or warrant a reduction in child support. Elrod, 2 Kansas Law and Practice, Kansas Family Law § 14:16. In Constant's case, however, he did not specifically request a child-support adjustment: he simply asked not to pay support at all. The district court may reduce a parent's child-support obligation based on expenses that parent incurs when the child is with him or her only when that parent specifically requests a child-support adjustment. Kansas Child Support Guidelines §§ I, IV.E (2014 Kan. Ct. R. Annot. 127, 142). Because Constant did not request an adjustment, he must pay the child-support obligation set out in the child-support worksheet (and even if he had requested an adjustment, that would have been a discretionary call for the district court).

Constant repeats the argument that he should not have to pay child support because he already provides for his child in different forms in many of the issues that he raises on appeal. We need not further discuss that claim as we consider Constant's remaining challenges to the child-support and income-withholding orders. But Constant makes several additional arguments, and we will consider them.

First, Constant argues that the district court should not have ordered him to provide health insurance because he is already providing B.B. with health and dental insurance. The district court has authority to order a parent to provide health insurance, and it makes sense to do so even when a parent is already providing it because it is part of the child-support calculation and the parent is expected to continue providing it in the future. See K.S.A. 2014 Supp. 23-3114(a); Kansas Child Support Guidelines § IV.D.4 (2014 Kan. Ct. R. Annot. 140).

Second, Constant argues that the first journal entry ordering him to pay child support—dated March 12, 2014—does not reflect the district court's actual order and is therefore invalid. The journal entry was prepared by Theresa Bogner, a contract attorney for the Kansas Department for Children and Families. Constant claims that the journal entry should not have included a provision for an income-withholding order to enforce the child-support obligation because he already pays for things for his son. When discussing this issue with the district court, he argued that the journal entry had been "a cover-up" because it "didn't even talk about [the] child support order" and instead stated that an income-withholding order would be issued for Constant's child-support obligation. He further stated that the district court had not specifically mentioned an income-withholding order at the hearing when it ordered child support.

But nothing about the income-withholding order in the journal entry was at odds with the child-support order. Moreover, K.S.A. 2014 Supp. 23-3103(a) provides that any new or modified order for child support "shall include a provision for the withholding of income to enforce the order for support."

Third, Constant says that the district court should have approved his proposal for child support, parenting time, and legal custody. Constant proposed that each parent should continue to be responsible for B.B.'s daily expenses during his or her parenting time and that both parents should provide food, clothing, and entertainment for the child.

As explained above, Constant's plan for child support was unworkable because such an arrangement would not have accounted for the fact that Amber has B.B. more often than Constant.

As for Constant's proposals on parenting time and custody, the district court could not consider issues regarding parenting time and custody in this case, which dealt only with the State's request for a child-support order. The orders on parenting time and custody had been established in a separate case (No. 13DM1797) as part of Constant and Amber's divorce proceeding. See K.S.A. 2014 Supp. 23-2711(a)(5). This case is a separate action for child support, brought by the State in compliance with title IV of the Social Security Act. See K.S.A. 2014 Supp. 39-756(a). If Constant wanted to challenge parenting time and custody, he would have needed to file a motion in case No. 13DM1719.

We next consider Constant's remaining arguments—that the district court dismissed the case before it issued the child-support order, that it should not have issued the income-withholding order, and that the contract attorney for the State did not have authority to establish child support.

## *II. The District Court Did Not Dismiss This Case.*

Constant claims that the State's case against him was dismissed based on the notices of intent to dismiss he received from the district court. The notices—dated April 8, 2013, and June 28, 2013—were short, and both said: "Case No. 2012-DM-009177-SU will be dismissed 18 days from the date of this notice unless cause be shown for not doing so." Nineteen days after the date on the second notice—July 17, 2013—the State filed a motion for judgment on the pleadings, arguing that Constant had not challenged the State's factual allegations or raised any defenses in his answer.

Without citing to any law or local rule, Constant contends that based on the notices, the case was actually dismissed when the State failed to file a motion within 18 days establishing good cause not to dismiss it. He also argues that because the district court considered the merits of his case, it should have ordered the State to pay the costs of the previously dismissed action. See K.S.A. 2014 Supp. 60-241(d)(1) ("If a plaintiff who previously dismissed an action in any court files an action based on or including the same claim against the same defendant, the court: May order the plaintiff to pay all or part of the costs of that previous action."). Whether the child-support case was dismissed based on the notices of intent to dismiss is a legal question that we review independently, without any required deference to the district court's decision. *Gannon*, 298 Kan. at 1176.

A rule in the 18th judicial district—where this case originated—says that unless one of the parties shows good cause as to why an inactive family-law case should not be dismissed, the court will dismiss it and send the parties a notice of intent to dismiss and a journal entry of dismissal at least 18 days before dismissal. Sedgwick Co. Rule 421(1). Two such notices were sent. But that does not show that the case was actually dismissed.

Under K.S.A. 2014 Supp. 60-258, a case can be dismissed only with a journal entry signed by the trial judge and filed with the clerk of the court. *In re Marriage of Wilson*, 245 Kan. 178, Syl. ¶ 1, 777 P.2d 773 (1989); *Moore v. Vantage Petroleum, Inc.*, No. 89,937, 2003 WL 22990191, at \*3 (Kan. App. 2003) (unpublished opinion). The district court explained to Constant at a hearing that the case had never been dismissed, and Constant has not pointed to a signed journal entry filed with the clerk in the record on appeal. In the absence of such a journal entry in our record, Constant has not shown that the case was dismissed. See *Friedman v. Kansas State Bd. of Healing Arts*, 296 Kan. 636, 644-45, 294 P.3d 287 (2013). Since the case was never dismissed in the district court, we need not consider his argument that the district court should have ordered the State to pay the costs of the action under K.S.A. 2014 Supp. 60-241(d)(1).

### III. *The District Court Did Not Err in Issuing the Income-Withholding Order.*

Constant's next argument is that the district court should not have issued the first income-withholding order immediately after the first child-support order. He says that it was immediately sent to his employer after the court ordered child support despite the fact that his employer had 10 days to respond to the order, his employer did not have to start withholding his pay for 14 days, and Constant was appealing the child-support order. He also claims that he should have received an affidavit supporting the income-withholding order before the district court issued it.

Constant has not cited to any statutes or other authority supporting his contentions. When a party fails to provide legal argument or authority to support an argument or position, we need not consider it. *In re Acquisition of Property by Eminent Domain*, 299 Kan. 37, 49, 320 P.3d 955 (2014).

But even if we consider challenges to the income-withholding order, we must reject his argument. K.S.A. 2014 Supp. 23-3103(b) directs the district court to immediately issue an income-withholding order when entering a new or modified child-support order and does not require that the parent required to pay child support receive notice of the income-withholding orders: "[A]ll new or modified orders for support shall provide for immediate issuance of an income withholding order. . . . The income withholding order shall be issued without further notice to the obligor." K.S.A. 2014 Supp. 23-3103(b). The fact that the employer who will withhold a parent's income may have time to respond to an order and may be able to wait before starting to withhold the parent's pay does not affect the timing of the income-withholding order.

The statute also does not require that the parent obligated to pay child support receive an affidavit supporting the income-withholding order before the order is issued.

K.S.A. 2014 Supp. 23-3103(b). The income-withholding order is issued without further notice to the parent.

Another statutory provision, K.S.A. 2014 Supp. 23-3103(c), (d), and (h), does require an affidavit stating, among other things, that the parent who must pay child support has been provided with notice of the intent to initiate income withholding. But that statute is not applicable here. It applies when the court has issued a child-support order but no income-withholding order and a person or public office is requesting an income-withholding order. K.S.A. 2014 Supp. 23-3103(c). Because the district court issued a new child-support order that provided for immediate issuance of an income-withholding order, the Secretary of the Division for Children and Families was not required to file an affidavit with the district court.

Had Constant wanted to ask the court to suspend the enforcement of the child-support judgment pending appeal, the appropriate procedure would have been for him to request a stay. We do not know whether the court would have had grounds to enter a stay here; there are limits to a parent's ability to get a stay of an income-withholding order. See K.S.A. 2014 Supp. 23-3106. But our record on appeal does not indicate that Constant ever requested one. We find no error in the district court's immediate issuance of income-withholding orders under K.S.A. 2014 Supp. 23-3103(b).

Constant makes a related argument about income withholding—that when Bogner prepared the March 12, 2014, journal entry for the district court, she made it look like child support had been ordered well before March 2014 and that Constant had not been paying his child-support obligation. He says that Bogner did this so that she could initiate income withholding. A review of our record on appeal indicates that Constant did not raise this issue before the district court or give the court a chance to correct any problems with the journal entry. Issues not raised before the district court generally cannot be raised on appeal. See *Via Christi Regional Med. Center, Inc. v. Reed*, 298 Kan. 503, 529,

314 P.3d 852 (2013). There are several exceptions to the general rule, but under Supreme Court Rule 6.02(a)(5) (2014 Kan. Ct. R. Annot. 40), the party raising the issue must explain why that issue should be considered for the first time on appeal. See *State v. Williams*, 298 Kan. 1075, 1085, 319 P.3d 528 (2014); *In re Estate of Broderick*, 286 Kan. 1071, 1082, 191 P.3d 284 (2008). Constant has not explained why this court should consider his challenges to the journal entry for the first time on appeal, so we need not consider it. See *Williams*, 298 Kan. at 1085.

But even if Constant had raised this issue to the district court, it would not have found merit in Constant's argument. Bogner did not need to make it look like child support had previously been ordered to get the district court to issue an income-withholding order. As explained above, when the first child-support order was entered, K.S.A. 2014 Supp. 23-3103(b) provided for the immediate issuance of an income-withholding order. The State did not have to prove that Constant had failed to pay his child-support obligation for some amount of time before the income-withholding order was issued. See Elrod, 2 Kansas Law and Practice, Kansas Family Law § 14:40.

#### *IV. Constant Has Not Shown That the State's Attorney Lacked Authority to Seek Child Support in This Case.*

Constant's final argument is that Bogner was "unjustly and illegally doing the job of Staff Attorney for [the] Department for Children and Families." Constant claims that Bogner did not have authority to seek child support on behalf of the State.

We disagree. In Kansas, parents who have received public assistance may apply for child-support-enforcement services with the Kansas Department for Children and Families. See K.S.A. 2014 Supp. 39-756(a)(1). When they do, they assign their right to child support to the Secretary of the Department for Children and Families. See K.S.A. 2014 Supp. 39-756(a)(2). The Secretary then has authority to enter into contracts and hire

attorneys to perform the child-support-enforcement services. See K.S.A. 2014 Supp. 39-753(a). Here, Amber applied to the Kansas Department for Children and Families for child-support-enforcement services and assigned her rights to support to the State. See K.S.A. 2014 Supp. 39-756(a)(2). The Secretary contracted with Bogner's employer to perform child-support-enforcement services. As a result, Bogner had authority to establish child-support rights on behalf of the Secretary of the Division for Children and Families.

In sum, Constant has not shown that the district court abused its discretion in ordering him to pay child support, that the case against him was dismissed, that there were any legal problems with the income-withholding order, or that the State's attorney lacked authority to bring this child-support action. We therefore affirm the district court's judgment.