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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-1535**

Ramsey County,
Respondent,

Rogina Lea Sullivan,
Respondent,

vs.

Quincy Ray Adams, Jr.,
Appellant.

**Filed May 20, 2013
Affirmed
Peterson, Judge**

Ramsey County District Court
File No. 62-FA-11-1924

John Jung-Hoon Choi, Ramsey County Attorney, Jenese Venesha Dawson Larmouth,
Assistant County Attorney, St. Paul, Minnesota (for respondent county)

Rogina Lea Sullivan, Vadnais Heights, Minnesota (pro se respondent)

Quincy Ray Adams, Jr., Roseville, Minnesota (pro se appellant)

Considered and decided by Johnson, Chief Judge; Peterson, Judge; and Chutich,
Judge.

UNPUBLISHED OPINION

PETERSON, Judge

In this child-support dispute, appellant-father argues that the district court erred in imputing income to him and requiring him to pay child support when he has no income. We affirm.

FACTS

Respondent Ramsey County brought an action against pro se appellant-father Quincy Ray Adams, Jr., to establish parentage and child support for respondent-mother Rogina Lee Sullivan's son. At the hearing before the child-support magistrate (CSM), father, who was enrolled in the Electrical Technology Program at St. Paul College, argued that he could not be employed because he needed to devote full time to his studies in order to maintain passing grades.

The CSM adjudicated paternity, found that father had no income, and ordered father to pay basic monthly support of \$50 for his son. Mother had no income, and the CSM did not impute income to her. Father filed a motion for review of the CSM's decision, requesting that he not be required to pay support while he is enrolled in school.

By amended order, the CSM struck the finding that father had no income and found:

13. [Father] is not employed, and he is enrolled in the Electrical Technology Program at Saint Paul College. [Father] is not working in order to devote time to the completion of his coursework. He anticipates graduating in May of 2013. [Father] has the ability to work 20 hours per week and to earn the minimum wage of \$7.25 per hour, resulting in a gross monthly income of \$628.00.

....

17. Based upon Minnesota Statute § 518A.35, the Child Support Guidelines, and the minimum child support order provisions for Minnesota Statute § 518A.42, the basic child support obligation for [father] is \$50.00 per month.

The CSM issued a second amended order, merging this file with the file for another child. The findings addressing father's school enrollment, income, ability to earn income, and support obligation were not amended. This appeal followed.

DECISION

This court applies the same standard of review to a CSM's child-support determination that it applies to a district court's decision. *Ludwigson v. Ludwigson*, 642 N.W.2d 441, 445-46 (Minn. App. 2002). The district court has broad discretion in determining child support and will not be reversed absent an abuse of discretion. *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). The district court abuses its discretion when it sets support in a manner against logic and the facts on record, *id.*, or misapplies the law. *VerKuilen v. VerKuilen*, 578 N.W.2d 790, 792 (Minn. App. 1998).

"If a parent is voluntarily unemployed, . . . child support must be calculated based on a determination of potential income." Minn. Stat. § 518A.32, subd. 1 (2012).

A parent is not considered voluntarily unemployed . . . upon a showing by the parent that:

(1) the unemployment . . . is temporary and will ultimately lead to an increase in income; [or]

(2) the unemployment . . . represents a bona fide career change that outweighs the adverse effect of that parent's diminished income on the child.

Id., subd. 3.

Father argues that he “presented a good-faith case showing that [his] unemployment is involuntary and temporary and will lead to an increase in [his] income.” Father contends that because working 20 hours a week would interfere with his ability to complete school, the CSM erred by not finding that he is involuntarily unemployed. But the CSM was not required to believe father’s claim that he could not be employed because he must devote all of his time to his studies in order to maintain passing grades. By finding that father could work 20 hours per week while going to school, the CSM implicitly rejected father’s testimony to the contrary. This court defers to the CSM’s credibility determinations. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988); *see Pechovritz v. Pechovritz*, 765 N.W.2d 94, 99, (Minn. App. 2009) (deferring to a district court’s implicit credibility determination). The finding that father has the ability to work 20 hours per week is equivalent to a finding that father is voluntarily unemployed for that period of time.

Minn. Stat. § 518A.42 (2012) provides for a minimum basic child-support obligation. Under subdivision one,

(a) . . . To determine the amount of child support the obligor has the ability to pay, the court shall follow the procedure set out in this section.

(b) The court shall calculate the obligor’s income available for support by subtracting a monthly self-support reserve equal to 120 percent of the federal poverty guidelines for one person from the obligor’s gross income. . . .

. . . .

(d) If the obligor’s income available for support calculated under paragraph (b) is equal to or less than the

minimum support amount under subdivision 2 or if the obligor's gross income is less than 120 percent of the federal poverty guidelines for one person, the minimum support amount under subdivision 2 applies.

Id., subd. 1. Under the plain language of subdivision one, the minimum support amount under subdivision two applies even when an obligor has no income.

(a) If the basic support amount applies, the court must order the following amount as the minimum basic support obligation:

(1) for one or two children, the obligor's basic support obligation is \$50 per month[.]

....

If the court finds the obligor receives no income and completely lacks the ability to earn income, the minimum basic support amount under this subdivision does not apply.

Id., subd. 2.

Although father does not receive income, the CSM did not find that father completely lacks the ability to earn income. Instead, the CSM found that father has the ability to earn a gross monthly income of \$628.00. Because there is no finding that father completely lacks the ability to earn income, Minn. Stat. § 518A.42, subd. 1(d), and the minimum basic support obligation under Minn. Stat. § 518A.42, subd. 2(a)(1), apply. And because the minimum basic support obligation applies, requiring father to pay \$50 per month for child support was not an abuse of discretion.

Affirmed.