



SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY  
COURT OF APPEALS

10,005 E. OSBORN RD. SCOTTSDALE, AZ 85256 (480)362.6315

SALT RIVER TRIBAL COURT  
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In the Matter of:  
**BLUE SCHURZ,**  
Appellant,  
-v-  
**KA'TIA GONZALES,**  
Appellee.

Appeal Case No.: **AP-26-0003**  
(Trial Case No.: D-13-0017)

**ORDER REVERSING TRIAL COURT  
ORDER AND REMANDING FOR  
CHILD SUPPORT MODIFICATION**

Before **AUSTIN, DWORKIN and GUSS**, Justices

**RULING**

Following a hearing on September 30, 2025 in this support modification matter, the Trial Court ordered Appellant to pay quarterly child support in the amount of \$1,458.00. In arriving at that figure the Court attributed income to Appellant, who is incarcerated but receives quarterly per capita distributions totaling \$11,000.00 annually. Judge Little's order held that "the change of law [Section IIA(5)(a) of the Child Support Guidelines] necessitates inclusion of not only actual income, but attributed income." This court disagrees with that conclusion and **REVERSES THE DECISION BELOW**. The case is remanded to the trial court to use the annual income figures for both parties listed here:

Father: \$11,500.00 (per capita payments)

Mother: \$ 4,468.33 (Actual income as listed on June 20, 2025, Child Support Calculator; the only actual income figure for Mother reported in the record.)

The Trial Court shall then calculate Appellant's correct child support obligation, based on the Salt River Pima-Maricopa Child Support Calculator.

## DISCUSSION

Section IIA(5)(a) of the Child Support Guidelines provides:

The court does not attribute income to a person who is incarcerated unless they receive monthly or quarterly income. The court may establish or modify support based on actual ability to pay. Temporary or short-term incarceration is not a reason to not attribute income.

Two statements in particular in this section convince the Appellate Court that income should not be attributed to Appellant. First is the language that the court may establish support based on a party's actual ability to pay. In this case, Appellant's ability to pay is limited to the income he receives from his tribal per capita payments. No facts have been offered in these proceedings to indicate that he is working at the institution where he resides. Even if he were working at the prison there is little likelihood that he would earn labor wages of \$22.50 per hour for 36 hours a week. Yet this is the income that was attributed to him.

Secondly, this section states that "temporary or short-term incarceration is not a reason to not attribute income." Impliedly, long-term incarceration is such a reason. Appellant is not a short-term inmate; he has been incarcerated for over a dozen years. His sole income is what he receives quarterly as per capita payments. This is the figure that should be used to calculate his support obligation.

The Trial Court shall issue a new Child Support Order based on the monthly child support obligation arrived at by use of the listed income figures and the Salt River Pima-Maricopa Child Support Calculator.

**IT IS SO ORDERED.**

**ISSUED** this 11<sup>th</sup> day of May, 2026.



Electronically approved 5/11/2026

/s/ Mary Guss

Mary Guss, **Justice**

Electronically approved 5/11/2026

/s/ Judith M. Dworkin

Judith M. Dworkin, **Justice**

Electronically approved 5/11/2026

/s/ Joseph K. Austin

Joseph K. Austin, **Justice**