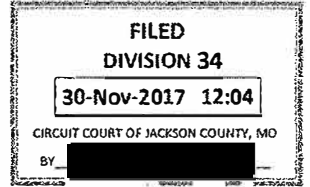


IN THE 16th CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE



IN RE THE MARRIAGE)
)
OF: MV,)
)
) **Petitioner,**)
)
and)
)
) **DV,**)
)
) **Respondent.**)

Case No:
Division: 34

JUDGMENT

ON the 22nd day of September 2017 this matter came before the Court for trial on the Petitioner's *Motion to Modify Child Custody*, filed herein on March 7, 2017. The Petitioner,

MV, appeared in person pro se. The Respondent, DV, appeared in person and by and through his attorney at law RL. The minor children appeared by and through their attorney and Guardian Ad Litem, SB. The parties presented testimony and evidence. The Guardian Ad Litem presented testimony and evidence. The parties rested.

The Court took judicial notice of its file in this matter, including the judgments previously entered in this cause. The Court rendered its decision to the parties and their counsel via correspondence on October 16, 2017.

Now on this 30th day of November 2017, the Court, having heard the evidence, reviewed the file, and being otherwise fully informed in the premises finds:

1. The Petitioner MV is a resident of the state of Missouri currently residing at [redacted] Missouri [redacted]

2. The Respondent DV is a resident of the state of Missouri, residing at [REDACTED] [REDACTED] Missouri [REDACTED].
3. This Court has jurisdiction over the parties, and the children, and venue is proper.
4. That on July 30, 2015 a *Judgment and Decree of Dissolution of Marriage* was entered awarding the parties joint legal and joint physical custody of the children with Petitioner's address designated as the address for the children. Neither parent was ordered to pay child support to the other.
5. That on August 8, 2016 a *Judgment of Modification* was entered granting Respondent sole legal and sole physical custody of the parties' three minor children with Petitioner awarded specific periods of visitation with them. Further Petitioner was ordered to pay Respondent child support of \$550 per month on behalf of the children.
6. That on March 7, 2017, Petitioner filed a *Motion to Modify Child Custody* seeking sole legal and sole physical custody of the children and that she be awarded child support.
7. That Respondent did not file an Answer or Counter Motion to Modify in the present action; however, he requested via his testimony in the trial in this matter that child support be modified.
8. That on July 17, 2017, this Court appointed SB as Guardian Ad Litem for the minor children.
9. That the Court finds, after hearing evidence in this case, that no change of circumstances has occurred in regard to the children or Respondent as required by Missouri Statute 452.410 and therefore the Court finds that a change of custody is not warranted.

10. The Court does find that, based upon the agreement of the parties it is appropriate for the previous restrictions regarding communication between the children and their parents to be lifted and each parent may communicate with the children via text, email and/or various communication applications on their electronic devices.
11. Further, while it does not raise to the level of a change in circumstances necessitating a modification of the Judgment the Court finds that it is appropriate for Respondent to allow Petitioner's parents and/or brother to transport the children for the purposes of Petitioner's parenting time and further, that Respondent shall send the children with all appropriate clothing needed for the parenting time the children spend with the Petitioner. Further, Petitioner shall return to Respondent all clothing brought by the children to Respondent at the conclusion of her parenting time.
12. That a modification of child support is not supported by the pleadings filed, or evidence presented in this matter.
13. That Respondent requested that his attorney's fees be paid by Petitioner.
14. That the Guardian ad Litem provided valuable services in this matter and incurred reasonable fees totaling \$2,327.50. That the parties had previously paid the GAL \$2,000 towards her fees which the GAL is authorized to withdraw from her operating account if she has not previously done so.

WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED that Petitioner's *Motion to Modify Child Custody* is **DENIED**. The previous Judgment of the Court shall remain in full force.

IT IS FURTHER ORDERED that based upon the agreement of the parties it is appropriate for the previous restrictions regarding communication between the children and their parents to be lifted and each parent may communicate with the children via text, email and/or various communication applications on their electronic devices.

IT IS FURTHER ORDERED that Respondent allow Petitioner's parents and/or brother to transport the children for the purposes of Petitioner's parenting time and further, that Respondent shall send the children with all appropriate clothing needed for the parenting time the children will spend with the Petitioner. Petitioner shall return to Respondent all clothing brought by the children to Respondent at the conclusion of her parenting time.

IT IS FURTHER ORDERED that the Guardian Ad Litem, SB, is given a joint and several judgment against both parties for the unpaid fees incurred in this matter, \$327.50, and that this judgment is not dischargeable in bankruptcy.

IT IS FURTHER ORDERED that Respondent's request for attorney's fees is **DENIED**.

IT IS SO ORDERED.

30-Nov-2017

DATE



CERTIFICATE OF MAILING

This Notice of this Order was automatically forwarded the Petitioner through the Court e-filing system this 30th of November 2017 and emailed to:

MV,

SB, Guardian Ad Litem

