

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SHERIF HASSAN AL-HAWAREY,)	No. ED97993
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Thomas J. Prebil
CINDY ORTEGA AL-HAWAREY,)	
)	
Appellant.)	FILED: November 6, 2012

Cindy Al-Hawarey (“Mother”) appeals from the judgment of the trial court dismissing her motion to modify a child custody order entered in the State of Illinois. Mother first asserts that her motion to modify sufficiently pleaded facts that, when taken as true, entitle her to relief. Specifically, Mother claims she pleaded facts sufficient to support her allegation that, under the UCCJEA, Missouri had jurisdiction over the child custody matter while Illinois did not. Ancillary to her first point, Mother also claims the trial court erred by considering an order of the Illinois court affirming its jurisdiction over the child custody matter. Mother finally argues the trial court erred in dismissing her motion to modify because there was no simultaneous proceeding in the Illinois court per Mo. Rev. Stat. Section 452.765 (2011) that would prevent the trial court from exercising jurisdiction.

AFFIRMED.

Division Four holds: The trial court did not err in granting Father’s motion to dismiss or in considering the order of the Illinois court affirming its jurisdiction over the child custody issue. The trial court properly considered and applied the statutory provisions of the Uniform Child Custody Jurisdiction and Enforcement Act as adopted by the Missouri legislature. In following this statutory mandate, the trial court appropriately recognized the limits of its authority to accept jurisdiction of the child custody matters, which are within the continuing, exclusive jurisdiction of the Illinois courts. Additionally, Section 452.765 regarding simultaneous proceedings is not applicable to the facts of this case. Finding no error in the trial court’s dismissal of Mother’s motion to modify the child custody order entered in the State of Illinois, we affirm.

Opinion by: Kurt S. Odenwald, J., Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., Concur.

Attorney for Appellant: Mark Hirschfeld

Attorney for Respondent: Terry Flanagan and John W. Peel

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.