

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

BENJAMIN ROYCE CLAYTON, JR.,

Appellant,

v.

GERI ANN SARRATT,

Respondent.

DOCKET NUMBER WD75177

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: January 2, 2013

APPEAL FROM

The Circuit Court of Clay County, Missouri
The Honorable K. Elizabeth Davis, Judge

JUDGES

Division Two: Hardwick, P.J., and Smart and Mitchell, JJ.

CONCURRING.

ATTORNEYS

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Guardian *ad litem*.

- MISSOURI APPELLATE COURT OPINION SUMMARY**
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

there was no change in circumstances. Therefore, the only cognizable argument on appeal is whether the modification was in the best interests of the child.

- (4) The trial court discussed all of the relevant best interest factors in its findings and appellant failed to demonstrate that the trial court erred in finding that the modified parenting time schedule and change in residential designation was in the child's best interests.
- (5) The parties are bound by the same burden of proof in that they both filed motions seeking a modification to the parenting time schedule. Moreover, the trial court did not improperly shift the burden of proof to appellant in its finding that: "Since [Father] did not believe it was a significant problem for the child to change schools once, during his early elementary school education, the Court assumes he cannot now argue that it would be a significant problem for him to do so again. Moreover, [Father] did not make this argument at trial."

Opinion by: Karen King Mitchell, Judge

January 2, 2013

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.