

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

)	No. ED98899
)	
IN THE INTEREST OF:)	Appeal from the Circuit Court
Y.S.W. and R.C.W.,)	of St. Charles County
)	
)	Honorable Thomas J. Frawley
)	
)	FILED: June 28, 2013

Tasha Warlick (“Mother”) appeals from the judgment of the juvenile court adjudicating the minor children of her and her former husband Christopher Warlick (“Father”). Based upon Mother’s allegation that Father abused the children, the Juvenile Office of St. Charles County (“Juvenile Office”) filed a petition in the juvenile court seeking adjudication of the children and placing the children in the custody of the Children’s Division of the State of Missouri, Department of Social Services (“Children’s Division”). The juvenile court found that the allegations of sexual abuse contained in the petition were not substantiated. The juvenile court nevertheless found the children to be without proper care, custody, and support because of the parents’ troubled personal relationship, and ordered the children to remain in the protective and legal custody of the Children’s Division. Mother appeals, alleging that the juvenile court erred in adjudicating the children based upon allegations not contained in the Juvenile Office’s petition, and that the juvenile court erred in not granting her motion for recusal.

The judgment of the juvenile court adjudicating the children is REVERSED, and the subsequent judgment ordering disposition is VACATED.

Division Four holds: The juvenile court was without statutory authority to adjudicate the children and order them to remain in the custody of the Children’s Division on grounds not alleged in the Juvenile Office’s petitions. Fundamental principles of due process also required that Mother be given notice of, and have the opportunity to defend against any claim that the parents’ relationship had a harmful effect on the children.

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

Attorney for Appellant: George E. Tillman

Attorney for Respondent: Rebeca M. Navarro-McKelvey

Attorney for Juveniles: Charles C. Curd

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