

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SCOTT E. COURTNEY,)	No. ED100834
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Mary Elizabeth Ott
TERRESA KAY COURTNEY,)	
)	
Respondent/Cross-Appellant.)	FILED: March 17, 2015

Appellant Scott Courtney (“Father”) appeals from the trial court’s First Amended Order and Judgment entered on August 7, 2013, (“Amended Judgment”) modifying the parties’ 2010 divorce decree. Respondent Terresa Courtney (“Mother”) cross-appeals from the same Amended Judgment. First, Father challenges the trial court’s custody modification and adopted Parenting Plan. Second, both Father and Mother challenge the trial court’s judgment modifying maintenance and child support. Third, Father contests the trial court’s determination that he failed to timely object to Mother’s proposed relocation to Michigan. Fourth, Father challenges the trial court’s award of attorneys’ fees to Mother as part of its judgment finding Father in contempt. Fifth, Father argues that the trial court erred in failing to make certain findings of fact in the Amended Judgment which Father requested prior to trial. Finally, Mother contests the portion of the Amended Judgment finding Father in contempt.

AFFIRMED IN PART, REVERSED IN PART.

Division III holds: We reverse the trial court’s judgment with respect to the Parenting Plan because the Amended Judgment does not include a specific written parenting plan as required by Section 452.375.9. The trial court’s judgment modifying custody of the minor children is reversed because the trial court relied on outdated evidence which limited its ability to properly determine the best interests of the children based upon the current situations of the parties. The trial court’s judgment modifying maintenance and child support is similarly reversed because the trial court modification of the parties’ maintenance and child support obligations was premised upon impermissibly stale evidence, included improper child-related expenses in its maintenance calculation, and failed to attach or use an updated Form 14 with proper figures in calculating child support. Although the trial court erred in finding that Father untimely filed Father’s Objection to Relocate, we affirm the trial court’s judgment as it relates to Mother’s relocation with the minor children because Father was provided the opportunity to be fully heard on the issue and because the trial court’s judgment was supported by substantial evidence. We affirm the trial court’s award of attorneys’ fees to Mother because the trial court did not abuse its discretion in exercising its inherent authority to award attorneys’ fees as part of contempt proceedings. Because the absence of Father’s requested findings of fact in the Amended Judgment does not materially interfere with our appellate review, we deny this portion of Father’s appeal. Finally, because the trial court’s order of contempt has not been

enforced against Father, the contempt order is not a final judgment for purposes of appeal. Accordingly, we dismiss this portion of Mother's appeal.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: Michelle Hammond

Attorney for Respondent: Daniel Schramm

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.