

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

LINDA K. DOWNARD,)	No. ED91557
n/k/a LINDA K. MILLER,)	
)	
Respondent,)	Appeal from the Circuit Court of
)	Franklin County
v.)	Cause No. 20CV01990832-04
)	Honorable Patricia S. Joyce
JONATHAN L. DOWNARD,)	
)	
Appellant.)	Filed: May 26, 2009

Jonathan L. Downard (Father) appeals the judgment of the Circuit Court of Franklin County, the Honorable Patricia S. Joyce presiding, which modified an earlier custody judgment between him and Respondent Linda K. Miller (Mother). Father argues that the trial court erred by failing to appoint a guardian ad litem, by finding changed circumstances sufficient to support an increase in the amount of child support Father is to pay Mother, by making that award retroactive, by awarding Mother attorneys' fees, and by denying his request for abatement of a portion of the child support.

AFFIRMED AS MODIFIED.

Division Four Holds: We find no plain error resulting in manifest injustice or miscarriage of justice in the trial court's failure to appoint a guardian ad litem. The trial court did not abuse its discretion in its award of attorneys' fees or retroactive child support. The trial court did err in refusing to grant Father abatement of support for the months that he had no documentation of his daughter's enrollment in college. In all other respects, the amounts the trial court ordered are supported by substantial evidence and are results of a proper application of the law.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Mary K. Hoff, J., concur.

Attorneys for Appellant: Frank K. Carlson, Nichole E. Frankenburg, Sarah K. Tupper

Attorneys for Respondent: W. Morris Taylor, Scott A. Bailey

<p>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.</p>
