



**In the Missouri Court of Appeals
Eastern District
DIVISION ONE**

A.M.C.B. by his next friend)	No. ED91598
JEREMY MARTY)	
)	
and)	Appeal from the Circuit Court
)	of the City of St. Louis
JEREMY MARTY, individually,)	0722-FC0207
)	
Respondents,)	Honorable Thomas J. Frawley
)	
vs.)	
)	
LORRAINE ELIZABETH COX,)	
)	
Appellant.)	Filed: July 21, 2009

OPINION SUMMARY

Lorraine Elizabeth Cox ("Mother") appeals the judgment of the trial court determining paternity, custody, visitation, and child support with respect to Mother's son A.M.C.B. ("Child") and son's father Jeremy Marty ("Father").

REVERSED AND REMANDED.

Division One holds:

- (1) The trial court erred in failing to appoint a next friend or guardian ad litem for Child as mandated by section 210.830¹ and Rule 52.02.² On remand, we instruct the trial court to appoint a next friend, if the case proceeds with Child as a plaintiff, or a GAL, if the case proceeds with Child as a defendant.³ The trial court may then hear such further evidence

¹ All statutory references are to RSMo 2000.

² All references to Rules are to Missouri Supreme Court Rules (2009).

³ The trial court may also appoint a GAL for Child even if Child is named a plaintiff if it finds a statutory basis for doing so. *See J.L. ex rel. G.L. v. C.D.*, 9 S.W.3d 733, 735 (Mo. App. S.D. 2000).

as Father, Mother, or Child's next friend or GAL may present and the trial court shall adjudicate the issues framed by the pleadings of Father, Mother, and Child.

- (2) The trial court had jurisdiction to enter a custody and visitation schedule under Missouri's Uniform Child Custody Jurisdiction Act because Missouri was Child's home state when the action commenced.

Opinion by: Glenn A. Norton, Judge Kurt S. Odenwald, P.J., & Patricia L. Cohen, J., concur

Attorney for Respondents: Michael H. James

Attorney for Appellant: Nathan S. Cohen

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.