

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SUSANA SULLINS,) No. ED92849
)
 Appellant,) Appeal from the Circuit Court
) of Jefferson County
v.) Case Number 23CV194-5603
)
JOHN R. KNIERIM,) Honorable Mark T. Stoll
)
 Respondent.) Filed: March 23, 2010

Susana Sullins (Appellant) appeals from the trial court's Findings of Fact, Conclusions of Law and Judgment, which declared the parties' daughter (Daughter) emancipated, determined that John Knierim was not obligated to contribute to certain past expenses for Daughter, and denied Appellant's request for attorney's fees.

AFFIRMED IN PART; REVERSED AND REMANDED IN PART.

Division Four Holds: The trial court erred in finding that Daughter did not have a developmental disability that limited her ability to carry the requisite number of credit hours per semester under Section 452.340.5.¹

The trial court did not (1) err in finding that Daughter was not mentally incapacitated under Section 452.340.4; (2) err in relying on properly excluded evidence or by misapplying Section 452.340.5; (3) abuse its discretion in denying Appellant's request for retroactive modification; and (4) abuse its discretion in denying Appellant's request for attorney's fees.

Opinion by: Gary M. Gaertner, Jr., J.
Kurt S. Odenwald, P.J., and George W. Draper III, J. concurs.

Attorneys for Appellant: Aaron S. Dubin and Michael J. Payne

Attorneys for Respondent: Mary Ann Weems

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.

¹ All statutory references are to RSMo Supp. 2008, unless otherwise indicated.