

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

In re the Marriage of Sharon L. Brown)	No. ED93084
and Stacey O. Brown)	Appeal from the Circuit Court
)	of the City of St. Louis
SHARON L. BROWN, Petitioner/Respondent,)	Honorable Robin Vannoy
v.)	Date: May 18, 2010
STACEY ORLANDO BROWN,)	
Respondent/Appellant.)	

Husband appeals from a decree of dissolution of marriage. On appeal, he claims the trial court erred in failing to make an express determination of paternity, in awarding "joint" legal custody to wife, and in failing to award attorney's fees to him.

REMANDED IN PART; REVERSED and REMANDED IN PART; AFFIRMED IN PART.

Division One Holds:

1. Case must be remanded because, although trial court found that both parties pleaded and agreed that husband was the biological father of the child, and although both parties requested that the child's birth certificate be changed to reflect that husband was the father, the trial court did not make an express finding of paternity or order the amendment of the birth certificate which would be statutorily required if it found husband was the father of the child.
2. Trial court erred in awarding "joint" legal custody to wife, and its findings relating to legal custody were inconsistent, requiring reversal of this award and remand for clarification.
3. Trial court did not abuse its discretion in denying husband's request for attorney's fees.
4. Claim of error relating to "sole" legal custody is premature.

Opinion by: Kathianne Knaup Crane, P.J.
Clifford H. Ahrens, J. and Nannette A. Baker, J., concur.

Respondent Acting Pro se: Sharon L. Brown

Attorney for Appellant: Frank J. Niesen, III

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