

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT

DIVISION FIVE

A.E.B., a minor by next friend, L.D., and L.D., Individually,)	No. ED94616
)	
Respondents/Cross-Appellants,)	Appeal from the Circuit Court of St. Charles County
vs.)	Cause No.: 0811-FC02092
)	
T.B.,)	Honorable Nancy L. Schneider
)	
Appellant.)	FILED: April 26, 2011

T.B. (Mother) appeals from the trial court’s judgment and challenges the trial court’s requirement that she relocate her residence from the State of Ohio to a three-county area in East Central Missouri. L.D. (Father) cross-appeals arguing it would be in the best interest of A.E.B. (Child) to award him sole physical custody with reasonable custody and visitation with Mother residing in the State of Ohio.

CAUSE ORDERED TRANSFERRED TO THE MISSOURI SUPREME COURT.

Division Five Holds: We deny Father’s cross-appeal requesting sole physical custody of Child. We affirm the trial court’s award of sole physical custody of Child to Mother and joint legal custody to Mother and Father as in the best interests of the minor child. We reverse the judgment regarding the physical custody plan for Child and remand to the trial court to determine a custody and visitation plan consistent with our findings. In all other respects, the judgment is affirmed. However, because of the general interest and importance of the issue involved, we order this cause transferred to the Missouri Supreme Court, pursuant to Rule 83.02.

Opinion by: Mary K. Hoff, Judge Gary M. Gaertner, Jr., Presiding Judge and Patricia L. Cohen, Judge, concur.

Attorney for Appellant: Lawrence G. Gillespie

Attorney for Respondents/Cross-Appellants: Joshua G. Knight

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.
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