

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

LOUIS E. HOLMES,	)	No. ED 94778
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	
	)	
MONICA S. HOLMES,	)	Hon. Thomas C. Clark II
	)	
Appellant.	)	FILED: June 7, 2011

Monica Holmes (Mother) appeals from the circuit court’s judgment dissolving her marriage to Louis Holmes (Father). Mother contends that the trial court erred in determining their 18-year old daughter ineligible for continuing child support while pursuing post-secondary studies, as permitted under section 452.340.5, due to her temporary under-employment during part of one semester. Mother asserts that (1) certain findings by the trial court are not supported by substantial evidence and (2) the trial court erroneously applied the law, which prescribes a liberal construction of the statute.

REVERSED AND REMANDED.

DIVISION THREE HOLDS: (1) The trial court’s findings that Daughter graduated in 2008 and failed to provide documentation of her attendance at Missouri State University in 2008-2009 and St. Louis Community College-Meramec in 2009 is not supported by substantial evidence. The record establishes that Daughter graduated from high school in May 2009 and provided documentation of her enrollment at Meramec that September. (2) The trial court erroneously applied the law in determining Daughter ineligible for continued child support. The interruption in Daughter’s formal employment was temporary, and manifest circumstances prevented Daughter’s continuous full compliance with the statute in that her financial difficulty and loss of employment were beyond her control. Missouri precedent, which prescribes a liberal construction of the statute in furtherance of the state’s public policy interest in encouraging children to pursue higher education, compels the conclusion that Daughter’s temporary and involuntary under-employment was not fatal to her eligibility for continued support under section 452.340.5.

Opinion by: Clifford H. Ahrens, J.                      Sherri B. Sullivan, P.J., and Lawrence E. Mooney, J., concur.

Attorney for Appellant:              Cheryl A. Rafert

Attorney for Respondent:              Brandi Richene Miller

<b>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.</b>
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