

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

T.W. BY HIS NEXT FRIEND, R.W., and)	No. ED97661
R.W., INDIVIDUALLY, Respondents,)	
)	Appeal from the Circuit Court
vs.)	of St. Louis County
)	Honorable John R. Essner
T.H., Appellant,)	
)	
and)	
)	
C.H., Intervenor-Respondent.)	Filed: March 12, 2013

The mother, T.H., appeals the judgment entered by the Circuit Court of St. Louis County awarding, *inter alia*, third-party visitation with the child, T.W., to the maternal grandmother, C.H., on alternating weekends, alternating holidays, and every Christmas Day.

REVERSED.

DIVISION FOUR HOLDS: The amount of visitation awarded the maternal grandmother impinges on the mother's constitutional rights. Furthermore, because the maternal grandmother neither pleaded nor presented a claim at trial for third-party visitation with the child pursuant to section 452.375.5(5) RSMo. (Supp. 2012), we reverse the trial court's judgment to the extent that it grants third-party visitation to the maternal grandmother. We affirm the trial court's judgment in all other respects.

Opinion by: Lawrence E. Mooney, P.J. Patricia L. Cohen, J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant:	Cheryl A. Rafert
Attorney for Respondent:	R.W., Pro Se
Attorney for Intervenor:	Anthony W. Cipriano
Guardian Ad Litem:	David J. Siscel

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
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