

OPINION SUMMARY  
MISSOURI COURT OF APPEALS EASTERN DISTRICT

R. B.,	)	No. ED98326
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	
S.W. AND C.B., and STATE OF	)	Hon. Michael Mullen
MISSOURI,	)	
	)	
Respondents.	)	FILED: December 26, 2012

R.B. appeals from the judgment of the trial court denying his motion to adjust arrears following a determination that he is not the father of C.B.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: A general order of child support for multiple children does not automatically preclude a trial court from setting aside at least some arrearages pursuant to section 210.854.4 RSMo. Supp. 2009. Where the petitioner is not the father of any other unemancipated children subject to the general order and the arrearages owing that are attributable to the child at issue can be determined by competent, substantial evidence, the trial court shall set aside such arrearages, unless the trial court makes written findings of fact and conclusions of law that it is the best interests of the parties not to do so.

Opinion by: Clifford H. Ahrens, Presiding Judge    Sherri B. Sullivan, J., and Glenn A. Norton, J., concur.

Attorney for Appellant:        Lisl King Williams

Attorney for Respondent:     Sarah Jean Garber

<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>
--