

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

IN RE THE MATTER OF:)	No. ED98749
C.H., by her Next Friend, C.H.,)	
and C.H., Individually,)	
)	
Petitioners/Respondents,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	
)	
C.W.,)	Hon. Thomas J. Frawley, Sp.J.
)	
Respondent/Appellant.)	Filed: September 3, 2013

C.W. (Mother) appeals from the trial court’s Findings, Conclusions, Order and Judgment (Judgment) of paternity, custody and support entered March 24, 2012, as amended by its Order and Judgment entered July 19, 2012.

AFFIRMED IN PART and REMANDED IN PART.

Division Two Holds: The trial court properly analyzed Section 452.375 RSMo 2006 and the best interests of the child (Child) in making the initial custody determination; the trial court’s decision in awarding C.H. (Father) residential custody of Child was not against the weight of the evidence; the trial court did not abuse its discretion in denying Mother’s post-trial motion for change of judge for bias or improper personalization; the trial court awarded Father the 2012 federal tax dependency exemption because he was entitled to it; and we discern no error in the parenting plan and custody arrangement entered by the trial court other than the failure to include a statutorily required dispute resolution plan, which the trial court is instructed to remedy on remand.

Opinion by: Sherri B. Sullivan, J. Lawrence E. Mooney, P.J., and Robert G. Dowd, Jr., J., concur.

Attorney for Appellant: Julie D. Hixson-Lambson
Attorney for Respondents: Jonathan D. Marks

<p style="text-align:center">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.</p>
