

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARY PATRICIA HESSEL,)	No. ED99340
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Gloria Clark Reno
MISSOURI DEPARTMENT OF)	
SOCIAL SERVICES, CHILDREN'S)	
DIVISION,)	
)	
Appellant.)	FILED: April 23, 2013

Missouri Department of Social Services, Children's Division ("Division") appeals from the trial court's judgment ordering the Child Abuse and Neglect Review Board ("CANRB") to review Division's determination that Mary Hessel ("Hessel") committed child neglect, and ordering Division to remove Hessel's name from a registry of persons determined to have committed child abuse or neglect. CANRB refused to review Division's determination that Hessel committed child neglect because CANRB alleged that an earlier court adjudication concerning the same facts deprived CANRB of jurisdiction over the matter. The trial court held that the prior court proceeding did not deprive CANRB of jurisdiction to review Division's finding of neglect.

VACATED and REMANDED with instructions.

Division Four holds: the prior court adjudication substantiated Division's determination that Hessel committed neglect, which deprived CANRB of statutory jurisdiction to review Division's finding. Accordingly, we vacate the trial court's judgment ordering CANRB to review Division's determination and ordering Division to remove Hessel's name from the registry. We remand for further proceedings consistent with the Court's opinion.

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

Attorney for Appellant: Chris Koster and Gary L. Gardner

Attorney for Respondent: Nathan S. Cohen

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.