

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**CALVIN BROWN,**

**Appellant,**

**v.**

**DEBRA BROWN,**

**Respondent.**

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DOCKET NUMBER WD74067

**Date: July 24, 2012**

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Appeal from:  
Jackson County, MO Circuit Court  
The Honorable Christine Sill-Rogers, Judge

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Appellate Judges:  
Division Two: Joseph M. Ellis, P.J., Alok Ahuja and Mark D. Pfeiffer, JJ.

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Attorneys:  
Howard L. Lotven, Kansas City, MO, for appellant.  
Debra A. Brown, Resondent Pro Se, for respondent.

**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**COURT OF APPEALS -- WESTERN DISTRICT**

**CALVIN BROWN**

**Appellant,**

**v.**

**DEBRA BROWN,**

**Respondent.**

WD74067

Jackson County, MO

The marriage of Calvin Brown (“Father”) and Debra Ann Brown (“Mother”) was dissolved on November 26, 1991. Mother was awarded custody of Brittany Brown, the couple’s daughter, born in March 1991. In 2009, Daughter graduated from high school, and enrolled as a full-time student at the University of Missouri-Kansas City (“UMKC”) in the Fall.

Beginning in August 2009, Father requested information concerning Daughter’s college education, and received limited information through the child-support agencies which served as intermediaries between Father and Mother. On March 31, 2010, Father initiated the present proceedings by filing an affidavit for termination of his child support obligation. The circuit court conducted a trial of the matter in April 2011. The circuit court held that Father was entitled to abatement of his child-support obligation during the Fall 2010 academic semester, because he had not been provided with the information concerning Daughter’s college education required by § 452.340.5, RSMo, at the beginning of the semester. The circuit court rejected Father’s arguments that he was also entitled to abatement of his child-support obligations during the Fall 2009, Spring 2010, and Spring 2011 semesters. Father appeals.

**REVERSED AND REMANDED.**

Division Two holds:

Section 452.340.5 provides for the continuation of child support benefits past the age of eighteen if the child enrolls in an institution of vocational or higher education by the October following their graduation from high school, if certain attendance, academic and notice requirements are met.

Here, Daughter failed to satisfy the requirements of § 452.340.5 in any of the semesters in which the circuit court refused to abate Father’s child support.

In the *Fall 2009* semester, Daughter failed to complete twelve credit hours of classes, as required by § 452.340.5. The trial court erroneously held that Daughter was excused from this requirement because she was working at least fifteen hours per week during the semester; the evidence (including Daughter's testimony) establishes that she failed to meet the fifteen-working-hour threshold. In addition, Daughter's voluntary withdrawal from one class, which she could have successfully completed but for her withdrawal, cannot be considered "completion" of that class.

With respect to the *Spring 2010* semester, Daughter failed to provide Father with copies of her grades for the Fall 2009 semester (which he was entitled to receive "at the beginning" of the Spring 2010 semester), until trial in April 2011. This was too late. In addition, due to her voluntary withdrawal from classes, Daughter failed to complete twelve hours of classes in this semester also.

With respect to the *Spring 2011* semester, Daughter failed to provide Father with her course schedule until April 2011. This was not "at the beginning" of the Spring 2011 semester, as required by the statute.

Before: Division Two: Joseph M. Ellis, P.J., Alok Ahuja and Mark D. Pfeiffer, JJ.

Opinion by: Alok Ahuja, Judge

**July 24, 2012**

**THIS SUMMARY IS UNOFFICIAL AND  
SHOULD NOT BE QUOTED OR CITED.**