

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

JOSHUA DEWITT,

Appellant,

v.

ESMERALDA LECHUGA,

Respondent.

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**DOCKET NUMBER WD75266**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** February 26, 2013

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**APPEAL FROM**

The Circuit Court of Jackson County, Missouri  
The Honorable Christine T. Sill-Rogers, Judge

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**JUDGES**

Division I: Pfeiffer, P.J., and Howard and Ahuja, JJ.

CONCURRING.

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**ATTORNEYS**

Lauri J. Laughland  
Grandview, MO

Attorney for Appellant,

Esmeralda Lechuga  
Costa Mesa, CA

Respondent, *pro se*.

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

**JOSHUA DEWITT,** )  
 )  
 ) **Appellant,** )  
**v.** ) **OPINION FILED:**  
 ) **February 26, 2013**  
**ESMERALDA LECHUGA,** )  
 )  
 ) **Respondent.** )

**WD75266**

**Jackson County**

**Before Division I Judges:** Mark D. Pfeiffer, Presiding Judge, and Victor C. Howard and Alok Ahuja, Judges

Joshua DeWitt (“Father”) appeals the judgment of the Circuit Court of Jackson County, Missouri (“trial court”), which dismissed without prejudice Father’s Petition for Declaration of Paternity, Order of Custody, Visitation, and Support (“Petition”) for lack of personal jurisdiction over the minor child (“Child”). Father alleged that he and Child’s mother, Esmeralda Lechuga (“Mother”), had engaged in sexual intercourse in Jackson County, Missouri, and as a result of such sexual intercourse, Mother gave birth to Child in the State of California. Child has resided in California since birth. Pursuant to DNA testing sought and obtained by the California Department of Child Support Services, it was determined that Father is the biological father of Child. Father requested in his Petition, among other things, that the trial court: declare the paternity of Child; grant Father legal and physical custody of Child, with reasonable supervised visitation to Mother; and award child support. On appeal, Father asserts that the trial court erred in dismissing his petition for lack of jurisdiction because under Missouri’s Uniform Parentage Act (“UPA”) and the Uniform Interstate Family Support Act (“UIFSA”), the trial court had subject matter jurisdiction and personal jurisdiction over the parties.

**AFFIRMED IN PART; REVERSED IN PART AND REMANDED.**

**Division I holds:**

Multiple uniform laws with different jurisdictional predicates address paternity and interstate issues of child support and custody. The UPA addresses parentage; the UIFSA

addresses parentage and child support; the UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) addresses custody and visitation.

Under both the UPA and the UIFSA, long-arm jurisdiction may be asserted over a nonresident individual for the purposes of determining parentage or establishing a support order with respect to a child who may have been conceived by an act of sexual intercourse in Missouri. Thus, the trial court has the statutory authority to make a paternity determination. The trial court's judgment holding to the contrary is reversed, and the case is remanded for further proceedings on the issue of paternity determination.

Because the UIFSA deals strictly with paternity and child support issues, however, we must look to the UCCJEA to determine whether the trial court has the statutory authority to make an initial *custody* determination regarding Child. Under the UIFSA, "home state jurisdiction" is prioritized over other "jurisdictional" bases. Child was born in California and has resided in that state since his birth; thus, California is Child's home state, and there is no allegation or evidence that the courts of the State of California refuse to exercise jurisdiction over Child. Therefore, the Missouri trial court does not have statutory authority to assert its jurisdiction to make a child custody determination in this case, and the trial court's judgment on that topic is affirmed.

**Opinion by: Mark D. Pfeiffer, Presiding Judge**

February 26, 2013

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