

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

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**COMPLETE TITLE OF CASE**

JARED SCHOLLMAYER,

Respondent,

v.

REBEKAH SCHOLLMAYER,

Appellant.

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**DOCKET NUMBER WD75384**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** February 26, 2013

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**APPEAL FROM**

The Circuit Court of Cole County, Missouri  
The Honorable Jon E. Beetem, Judge

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**JUDGES**

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

CONCURRING.

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**ATTORNEYS**

Carla G. Holste  
Jefferson City, MO

Attorney for Respondent,

Clifford W. Cornell  
Jefferson City, MO

Attorney for Appellant.

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

**JARED SCHOLLMMEYER,** )  
 )  
 ) **Respondent,** )  
**v.** ) **OPINION FILED:**  
 ) **February 26, 2013**  
**REBEKAH SCHOLLMMEYER,** )  
 )  
 ) **Appellant.** )

**WD75384**

**Cole County**

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

Rebekah Schollmeyer (“Mother”) appeals the judgment of the Circuit Court of Cole County, Missouri (“trial court”) dissolving her marriage to Jared Schollmeyer (“Father”), awarding joint legal and joint physical custody of their youngest daughter (“Daughter”), and awarding Mother child support payments of \$172 per month. On appeal, Mother claims that the trial court erred in calculating, on its own Form 14, the presumed correct child support amount in that the trial court’s Form 14 based its award on support for only one child—Daughter. Instead, Mother claims, the presumed correct amount should have been based upon support for all three children of the marriage—Daughter and her two older half-siblings, whom Father adopted during the marriage. Mother also claims that the trial court’s award of joint custody of Daughter was not supported by substantial evidence and was against the weight of the evidence.

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

**Division I holds:**

Because section 453.090.1 provides that adopted children are to be held for every purpose as children born of the parents in lawful wedlock, the presumed correct child support amount calculated on the court’s Form 14 should have been based upon an award of support for three children, including Mother’s two older children, who had been adopted by Father. The trial court’s judgment, which “for simplicity’s sake” calculated the presumed correct amount considering only one child due to the trial court’s belief that any support award for the other two

children would ultimately be abated, was thus in error. The trial court must properly calculate the presumed correct support amount on a Form 14; it is then free to rebut the presumed correct amount as unjust or inappropriate if such a rebuttal is warranted.

This Court must view all evidence and inferences regarding custody of minor children in the light most favorable to the trial court's judgment. Because the evidence in this case, viewed in the light most favorable to the trial court's judgment, was sufficient to support the trial court's award of joint legal and joint physical custody of Daughter to both parents, and the judgment was not against the weight of the evidence, we affirm the trial court's judgment with respect to custody.

**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.