

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

JAMY L. JESSEN,

Appellant

v.

AARON J. JESSEN.

Appellant

DOCKET NUMBER WD76482

DATE: SEPTEMBER 30, 2014

Appeal From:

Circuit Court of Livingston County, MO
The Honorable James Bradley Funk, Judge

Appellate Judges:

Division Two
Victor C. Howard P.J., James E. Welsh, Anthony Rex Gabbert JJ.

Attorneys:

Robert Walter Wheeler, Keytesville, MO Counsel for Appellant,

Attorneys:

Michele Christinia Puckett-Burkhead, Cameron, MO, Counsel for Respondent

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

JAMY L. JESSEN,

Appellant,

v.

AARON J. JESSEN,

Appellant.

WD76482

Livingston County

Before Division Two Judges: Victor C. Howard PJ., James E. Welsh, Anthony Rex Gabbert JJ.

Jamy L. Jessen (“Mother”) appeals the circuit court’s judgment modifying the decree of dissolution. Mother raises four points on appeal. First, Mother argues that the circuit court erred because the judgment decree failed to follow all of the announced points of the oral agreement made on the record in open court. Second, Mother argues that the circuit court erred in finding Mother in contempt of court because (1) her conduct was to protect her children and not to directly disobey the court order; (2) the police placed the two children in her custody after a violent episode on June 7, 2011 by Aaron J. Jessen (“Father”); (3) the children did not have contact with the Stepfather; and (4) the decree came nine months after the hearing of April 24, 2012, violating § 517.111, RSMo 2000. Third, Mother argues that the circuit court erred in awarding Father attorney’s fees and requiring her to pay the remaining GAL fees because the evidence suggests that there is no justification for requiring her to pay the attorney’s fees or GAL fees. Fourth, Mother argues that the circuit court erred in its order correcting judgment because Father had not even filed a motion asking for the relief granted.

AFFIRM IN PART AND DISMISS IN PART.

Division Two holds:

The circuit court did not err in failing to include all of the announced points of the oral agreement in open court because (1) the court has the right to reject oral agreements made in open court; (2) the issue of which party was to pay Stepfather’s counseling was not an issue before the court; and (3) there is substantial evidence on the record regarding what issues the court heard and what issues the parties waived their right to appeal. We further conclude that the court did not err in not including alternating weekends for Mother’s summer parenting time in the amended judgment because Mother’s stipulation did not include alternating weekends. Lastly, we conclude that this Court lacks jurisdiction on the contempt order as it is not a final order because neither Father nor GAL executed the fines awarded to them as sanctions for Mother’s contempt. As the attorney’s fees and GAL fees were sanctions on the contempt order and we lack jurisdiction on the contempt order, we decline to address these fees at this time.

Opinion by Anthony Rex Gabbert, Judge

Date: 9/30/14

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