OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

S.S., a Minor, by and through her Next Friend T.R.S., and T.R.S., Individually,	)	No. ED108143
Petitioners/Appellants,	)	Appeal from the Circuit Court of Jefferson County
vs.	)	
K.E.J.,	)	Honorable Brenda Stacey
Respondent/Respondent.	)	Filed: August 25, 2020

T.R.S. (Appellant) appeals from the trial court's Judgment and Decree of Paternity (Judgment) and denial of his Motion to Set Aside Judgment (motion to set aside). In his first point, Appellant claims the trial court erred by not setting aside the Judgment, entered following a paternity trial for which he did not receive notice. In his second point, Appellant claims the trial court erred in awarding K.E.J. (Respondent) sole physical custody because the award was against the weight of the evidence in that a sole physical custody designation was not in the best interests of S.S. (Child) pursuant to Section 452.375.[1]

REVERSED and REMANDED.

Division Two Holds: Point I - the trial court abused its discretion in denying Appellant's motion to set aside because the Judgment was irregular in that Appellant did not receive notice of the trial setting. Accordingly, we reverse the trial court's denial of Appellant's motion to set aside and remand with directions to vacate the Judgment and set the cause for hearing on the merits. Because Point I is dispositive, we do not address Point II.

Opinion by: Sherri B. Sullivan, J. Robin Ransom, P.J., and Lisa P. Page, J., concur.

Attorney for Appellant: Michelle L. Hughes
Attorney for Respondent: Pro Se

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.

[1] RSMo 2019.