MISSOURI COURT OF APPEALS
WESTERN DISTRICT

HILARY O'BRIEN,

Appellant

v.

MICHAEL O'BRIEN,

Respondent

DOCKET NUMBER WD83197

DATE: October 27, 2020

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Bryan Round, Judge

Appellate Judges:

Division Two
Karen King Mitchell, Judge, Presiding, Anthony Rex Gabbert, Judge, W. Douglas Thomson, Judge

---

Attorneys:

Michael C. McIntosh, Independence, MO,
Counsel for Appellant

Attorneys:

Jill M. Katz, Kansas City, MO,
Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

HILARY O'BRIEN, Appellant,
v.
MICHAEL O'BRIEN, Respondent.

WD83197 **Jackson County**

Before Division Two Judges: Karen King Mitchell, Presiding Judge, Anthony Rex Gabbert, Judge, and W. Douglas Thomson, Judge

Hilary O'Brien appeals the judgment of the Jackson County Circuit Court denying her permission to relocate her children from Kansas City to Phoenix, Arizona. In her first point on appeal, Mother claims the trial court's judgment is not supported by substantial evidence. In her second point in appeal, Mother claims the judgment is against the weight of the evidence.

AFFIRMED.

Division Two holds:

(1) The judgment is supported by substantial evidence where the mother focuses, contrary to the standard of review, on evidence that might support a contrary judgment and where substantial evidence supported the court's findings that (1) relocation was not required to meet educational needs; (2) the father has consistently and fully exercised his weekly time with his children; (3) the children's family is all local; (4) the children have long term medical relationships locally; (5) the children have strong ties to the local schools and extracurricular activities; and (6) father finds weekly time with his children to be more meaningful than larger isolated chunks of time.

(2) The judgment is not against the weight of the evidence when alleged inconsistencies in judgment are not inconsistent.

Opinion by: Anthony Rex Gabbert, Judge Date: October 27, 2020

* * * * * * * * * * * * * * * * * *

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