

denial of her motion was an abuse of discretion “in that the personal appearance of the [GAL] is required in termination of parental rights proceedings[.]” Failing to consider section 561.031 in her analysis, Mother’s point has no merit.² We deny her point and affirm the trial court’s judgment.

“The decision whether to grant a motion for continuance is committed to the sound discretion of the trial court, and, on appeal, this Court’s review is limited to whether the trial court abused that discretion.” *State v. Jones*, 479 S.W.3d 100, 111 (Mo. banc 2016). “A court abuses its discretion when its ruling is clearly against the logic of the circumstances then before it and is so arbitrary and unreasonable as to shock the sense of justice and indicate a lack of careful consideration.” *State v. Deason*, 240 S.W.3d 767, 771 (Mo.App. 2007) (internal quotation marks omitted).

Here, we find no abuse of discretion by the trial court because section 561.031 applies and is dispositive of the section 210.160 issue Mother preserved below and raises in this appeal.³ Section 561.031 provides, in pertinent part:

1. In the following proceedings, the provisions of section 544.250, 544.270, 544.275, 546.030, *or of any other statute*, or the provisions of supreme court rules 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01, 37.16, 37.47, 37.48, 37.50, 37.57, 37.58, 37.59, and 37.64 *to the contrary notwithstanding*, when the physical appearance in person in court is required of any person, *such personal appearance may be made by means of two-way audio-visual communication*, including but not limited to closed circuit television or *computerized video conferencing*; provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the person:

² All statutory references are to RSMo 2016.

³ Mother’s motion for a continuance cited and exclusively relied upon section 210.160 as the legal basis for granting the motion and requiring the GAL to appear at trial in person. Mother’s brief on appeal, however, cites and relies upon *additional* legal authorities as independent bases to support her claim. Because these additional legal authorities were not included in Mother’s motion for a continuance or otherwise brought to the trial court’s attention, they were not preserved for appellate review. “Appellate courts are merely courts of review for trial errors, and there can be no review of a matter which has not been presented to or expressly decided by the trial court.” *Interest of D.L.S.*, 606 S.W.3d 217, 224 (Mo.App. 2020) (internal quotation marks omitted).

(8) *Any civil proceeding other than trial by jury*[.]

Section 561.031.1(8) (emphasis added).

Accordingly, in the bench-tried, civil proceeding below, section 561.031.1(8) authorized the personal appearance of any person, which term necessarily includes the GAL, by means of a computerized video conferencing system like, as was the case here, Webex. *See id.* Such personal appearance is authorized notwithstanding the provisions of *any other statute* to the contrary. *Id.* Even if Mother's proffered statutory construction of section 210.160 is correct, an issue we do not decide, section 561.031 by its express terms, nevertheless, authorized the GAL to personally appear at trial by computerized video conferencing, such as Webex. *See id.* Thus, because section 561.031 controls regardless of Mother's section 210.160 claim, we need not consider or address her arguments pertaining to that section. Shorn of her asserted legal basis for demonstrating the trial court abused its discretion in denying her motion for continuance, Mother's point is denied.

The trial court's judgment is affirmed.

GARY W. LYNCH, J. – OPINION AUTHOR

JEFFREY W. BATES, C.J./P.J. – CONCURS

MARY W. SHEFFIELD, J. – CONCURS