In the Missouri Court of Appeals
Eastern District

DIVISION THREE

M.F., By Her Parents and Guardians, CARL FIELDS and BEVERLY FIELDS,	)	No. ED108648
Respondents,	)	Appeal from the Circuit Court of St. Louis County
vs.	)	18SL-CC00697
MARK STRINGER, in his official Capacity as Director of the Missouri Department Of Mental Health,	)	Honorable Lorne J. Baker
Appellant.	)	Filed: February 9, 2021

The Missouri Department of Mental Health (DMH), through its Director Mark Stringer, appeals the circuit court's judgment awarding M.F., a disabled person, prevailing party attorney's fees and costs under § 536.087 after M.F. successfully overturned DMH's decision denying her certain services under the Comprehensive Medicaid Home and Community-Based Services Waiver program in *In re M.F. v. Schafer*, 508 S.W.3d 194 (Mo. App. E.D. 2017). DMH asserts here that while its decision denying M.F. those services was in error and unsupported by competent and substantial evidence, it was "substantially justified" such that M.F. should not be entitled to prevailing party attorney's fees and costs.

Affirmed; remanded with instructions.

DIVISION III HOLDS: We affirm the circuit court's judgment reversing the DMH's decision denying M.F.'s application for attorney's fees and costs. This cause is remanded to the circuit court to consider M.F.'s stayed application for reasonable attorney's fees and costs in the amount of $12,655.00 incurred in the appeal to the circuit court, as well as M.F.'s claim for $5,750.00 in attorney's fees and costs incurred in connection with this appeal to this Court, and to direct DMH to pay the approved attorneys' fees and costs.

Opinion by: James M. Dowd, J.

Angela T. Quigless, P.J., and Kurt S. Odenwald, J. concur.

Attorney for Appellant: Yvette G. Hipskind

Attorney for Respondent: Sarah Jane Hunt

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.