MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF: B.K.F, II
AND D.J.F.;

D.Q. **RESPONDENT,**
and
JUVENILE OFFICER

RESPONDENT,

v.
M.K.F.

APPELLANT.

DOCKET NUMBER WD84019 Consolidated with WD84020, WD84042 and WD84043

DATE: May 11, 2021

Appeal From:

Cole County Circuit Court
The Honorable Jon E. Beetem, Judge

Appellate Judges:

Division Three: Thomas H. Newton, Presiding Judge, Gary D. Witt, Judge and W. Douglas Thomson, Judge

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Attorneys:

Arturo A. Hernandez III, Jefferson City, MO, for respondents.

Curtis G. Hanrahan, Jefferson City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF: B.K.F, II AND D.J.F.;

D.Q., RESPONDENT,
and
JUVENILE OFFICER, RESPONDENT,
v.
M.K.F., APPELLANT.

WD84019 (Consolidated with WD84020, WD84042 and WD84043) Cole County

Before Division Three Judges: Thomas H. Newton, Presiding Judge, Gary D. Witt, Judge, and W. Douglas Thomson, Judge

In this consolidated appeal, M.K.F. ("Mother") appeals from the judgment of the Circuit Court of Cole County, Missouri ("trial court"), closing two juvenile cases and appointing the paternal grandmother as guardian for two children, B.K.F. and D.J.F. ("the Children"). On appeal, Mother argues that the trial court's judgments were against the weight of the evidence.

AFFIRMED.

Division Three holds:

Mother's failure to pay the appellate docketing fees at the time she electronically submitted her notices of appeal of the juvenile court orders for filing did not render the notices untimely because docketing fees do not affect the validity of the notice of appeal following the Missouri legislature's 1997 amendment of section 512.050 which eliminated the requirement of a docketing fee as a precursor to the filing of a notice of appeal.

The trial court's finding that Mother was unwilling or unable to assume the duties of caring for the Children was not against the weight of the evidence. Mother's brief to this court failed to perform the required analysis for an against-the-weight of the evidence challenge, but instead attempts to reargue the facts in the light most favorable to her position. The Children at issue in this appeal had been in foster care for two-and-a-half years before being returned to Mother's care for a matter of weeks before they were again removed from her care for another two-and-a-half years, during which time Mother failed to comply with the permanency plan, failed to keep her caseworker updated as to her

address as she moved to various other states, was mostly out of state and failed to make reasonable efforts to see or interact with the children. Of the five children born to Mother, only one of them remained in her care at the time of the hearing. Although diagnosed with mental illness, Mother refused to take her prescribed medication to treat the condition. Mother missed several Family Support Team meetings and did not visit or telephone the Children regularly. Mother failed to participate or log in to Zoom visitations which had been set up with the Children. The trial court's finding that Mother was unwilling or unable to assume the duties of caring for the Children is not against the weight of the evidence.

Opinion by: Gary D. Witt, Judge May 11, 2021

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