MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

X.P.E.L., BY HIS NEXT FRIEND, C.T., AND C.T., INDIVIDUALLY,	)	No. ED108748
Appellants,	)	Appeal from the Circuit Court of Washington County
vs.	)	
J.L.L.,	)	Honorable Troy K. Hyde
Respondent.	)	FILED: June 8, 2021

C.T. ("Grandmother") appeals from the trial court's judgment denying her amended petition seeking visitation, which she filed following J.L.L.'s ("Father's") action for paternity and custody over X.P.E.L. ("Child") against M.H. ("Mother"). Grandmother raises two points on appeal. First, Grandmother alleges the trial court erred in denying visitation under Section 452.402.1 by incorrectly applying a ninety-day rather than a sixty-day period for unreasonable denial of visitation and by measuring the denial period from the date she filed her pleadings rather than from the date judgment was entered. In her second point, Grandmother contends the trial court erred in denying visitation because she satisfied Section 452.402.1's two-prong test in that (1) Father unreasonably denied Grandmother visitation for sixty days and (2) she qualified under one of the three subdivisions. Specifically, Grandmother maintains she qualified to seek grandparent visitation under Section 452.402.1(1) ("Subdivision (1)") because she was permitted to intervene in Father's paternity and custody action.

AFFIRMED.

DIVISION THREE HOLDS: Grandmother bases her claim for reversible error on statutory interpretation of the term "dissolution" of Section 452.402.1(1). Because the plain language of this subdivision of the statute allows a grandparent to seek visitation only in the context of a dissolution proceeding, and not a paternity or custody proceeding as occurred in this case, we deny Point Two. Grandmother's inability to proceed under Section 452.402.1(1) is further dispositive of Point One because the record demonstrates Grandmother does not otherwise qualify to seek visitation under the statute, thus any error in the trial court's calculation of the denial period in the first prong of Section 452.402.1 would not afford her relief, and we deny Point One. Accordingly, we affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, J.
Angela T. Quigless, P.J., and James M. Dowd, J., concur.

Attorney for Appellants: Jay R. Anielak

Attorneys for Respondent: Kathleen N. Aubuchon and Lawrence G. Gillespie

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.