MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

JENNIFER L. SCHUTTER,

Respondent

v.

PAUL J. SEIBOLD.

Appellant

DOCKET NUMBER WD84011

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: August 24, 2021

Appeal From:

Circuit Court of Platte County, MO
The Honorable Abe Shafer, V, Judge

Appellate Judges:

Division One
Anthony Rex Gabbert, P.J., Edward R. Ardini, Jr., and Thomas N. Chapman, JJ.

Attorneys:

Jonathan Sternberg, Kansas City, MO — Counsel for Appellant

Attorneys:

Jennifer Schutter, Southlake, TX — Respondent Acting Pro Se

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JENNIFER L. SCHUTTER, Respondent,
v.
PAUL J. SEIBOLD, Appellant.

WD84011 **Platte County**

Before Division One Judges: Gabbert, P.J., Ardini, and Chapman, JJ.

Paul Seibold ("Father") appeals from the judgment dismissing domestic proceedings pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), sections 452.700 to 452.930, RSMo 2016. Father raises two points on appeal. He contends that the trial court erred in (1) failing to make findings of fact and conclusions of law that he requested under Rule 73.01(c) and (2) dismissing his family access motion and motion to quash Jennifer Schutter's ("Mother") garnishment of his wages under sections 452.745 and 452.770. The judgment is affirmed in part and reversed in part, and the case is remanded to the trial court for further proceedings consistent with this opinion.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Division One holds:

(1) Where Father did not orally request findings of fact during the July 20, 2020 hearing or otherwise notify the trial court or Mother of a request before introduction of evidence and he did not serve Mother with his written request, Father did not properly request findings of fact and conclusions of law under Rule 73.01(c), and the trial court did not err in failing to make such.

(2) Where the monetary judgments that Mother attempted to collect by garnishment of Father's wages were not child custody determinations, and Father's motion to quash the garnishment did not seek to modify child custody, the trial court erred in dismissing Father's motion to quash Mother's garnishment of his wages pursuant to sections 425.745 and 452.770.

(3) Where Father's family access motion did not seek a child custody determination but rather sought to enforce an existing custody or visitation determination, the trial court erred in dismissing Father's family access motion under sections 452.745 and 452.770.

Opinion by: Thomas N. Chapman, Judge Date: August 24, 2021

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