

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DANIELLE M. SCHABERG,	)	No. ED109200
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	Honorable Joseph L. Green
JAMIE E. SCHABERG,	)	
	)	
Appellant.	)	FILED: November 2, 2021

Jamie E. Schaberg (“Jamie”) appeals from the trial court’s judgment dissolving her marriage from Danielle M. Schaberg (“Danielle”), dividing marital property, awarding sole legal and joint physical custody of Jamie’s biological child (“Daughter”) born during her marriage to Danielle, and ordering child support.

Jamie raises four points on appeal. Jamie first challenges the trial court’s authority to enter any judgment relating to parental custody and child support. Jamie argues Danielle lacked standing to seek any court order pertaining to custody and support of Daughter because Danielle is not a presumed parent under Section 210.822 and did not adopt Daughter during their marriage. Jamie also contends the trial court erred in failing to correctly divide all marital debt incurred by Jamie and Danielle during their marriage, entered an inconsistent and unenforceable judgment by awarding Danielle sole legal custody of Daughter but requiring Danielle to confer with Jamie before making any final decisions, and improperly calculated childcare costs resulting in an erroneous order of child support.

AFFIRMED.

DIVISION ONE HOLDS: Danielle and Jamie’s same-sex marriage does not deprive Danielle of her statutory standing as the presumed and undisputed natural parent of Daughter. Accordingly, the trial court acted within its authority when entering its judgment on custody and support issues relating to Daughter. Jamie did not preserve for appeal Points Two and Three, relating to the division of marital debt and the award of sole legal custody, and we therefore deny these points. Lastly, because the trial court correctly determined that the cost of attending daycare was a work-related childcare expense, we deny Jamie’s final point on appeal. We affirm the trial court’s judgment.

Opinion by: Kurt S. Odenwald, P.J.
Kelly C. Broniec, J., and John P. Torbitzky, J., concur.

Attorneys for Appellant:	Benicia A. Baker-Livorsi and Kelly B. Chevalier
Attorney for Respondent:	Kimberly J. Bettisworth

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.