

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT DIVISION TWO

K.T.L. BY HER NEXT FRIEND, K.L.,)	No. ED109375
AND K.L. INDIVIDUALLY,)	
)	
Respondents)	
)	Appeal from the Circuit Court
)	of Franklin County
vs.)	Cause No. 20AB-DR00025
)	
A.G.,)	Honorable Joseph W. Purschke
)	
Appellant.)	Filed: December 28, 2021

In her sole point, Third-Party Petitioner A.G. (Appellant) appeals the trial court's judgment awarding sole custody and visitation of K.T.L. (the minor child) to the minor child's biological father, K.L. (Respondent). Pursuant to § 452.375.5(5)(a), the court found Respondent was fit, suitable, and able to serve as the minor child's custodian, the minor child's welfare did not require an award of third-party custody, and the minor child's best interests were served by awarding Respondent custody. On appeal, Appellant claims the welfare of the minor child required an award of third-party custody.

AFFIRMED.

Division Two Holds: The trial court did not err because Appellant failed to rebut the natural-parent presumption on the "welfare" basis. Specifically, Appellant's actions alienating the minor child from Respondent were inconsistent with the minor child's welfare. Therefore, awarding Respondent custody was consistent with the welfare and best interests of the minor child pursuant to §452.375.5(5)(a) RSMo. and we affirm the trial court's judgment.

Opinion by: Thomas C. Clark, II, J.

Robert M. Clayton III, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant:	Rachel E. Reagan-Purschke
Attorney for Respondent:	Erin L. Wiseman
Guardian Ad Litem:	William C. Robinson

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.
