OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

EMILY JANE CORSON,	)	No. ED109820
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
v.	)	Cause No. 21SL-DR00070
	)	
JOSHUA RYAN CORSON,	)	Honorable Margaret T. Donnelly
	)	
Respondent,	)	
and	)	
	)	
ELAINE KORN,	)	
	)	
Proposed Intervenor/Appellant.	)	Filed: February 8, 2022

Proposed Intervenor Elain Korn appeals from the circuit court's denial of her motion to intervene in a dissolution of marriage action filed by her daughter Emily Corson. Korn sought to intervene in the action to seek visitation with her three minor grandchildren born during the Corsons' marriage. Korn alleged a right to intervene as of right under § 452.402. That section permits grandparents to intervene in a dissolution proceeding to seek visitation rights under certain circumstances.

AFFIRMED.

Division One Holds: The circuit court did not abuse its discretion in determining that the motion to intervene was untimely filed. Rule 52.12(a) requires an application to intervene to be timely filed. The issue of timeliness is within the sound discretion of the circuit court. Korn filed her application to intervene five months after the dissolution proceeding was filed and only after the existing parties to the action reached a resolution of the case. Korn provided little explanation for the delay in her filing that would justify permitting intervention after the existing parties filed a proposed consent judgment. Finally, Korn is not meaningfully prejudiced by the denial of her motion to intervene because § 452.402 also permits grandparents to seek visitation rights via a motion to modify the dissolution proceeding.

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

Attorney for Appellant: Laura H. Stobie
Attorney for Respondent: Elaine A. Pudlowski

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.