MISSOURI COURT OF APPEALS
WESTERN DISTRICT

S.L.C. and M.S.C.,

Respondents,

v.

M.M.,

Appellant.

DOCKET NUMBER WD84549

Date: February 15, 2022

Appeal from:

Boone County Circuit Court
The Honorable Leslie M. Schneider, Judge

Appellate Judges:

Division Three: Anthony Rex Gabbert, Presiding Judge, Lisa White Hardwick and Thomas N. Chapman, Judges

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Attorneys:
Marcel Malachowski, Seagoville, TX, Appellant, Pro Se.
Tana S. Benner, Columbia, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

S.L.C. and M.S.C., Respondents,
v.
M.M., Appellant.

WD84549 Boone County

Before Division Three Judges: Anthony Rex Gabbert, Presiding Judge, Lisa White Hardwick and Thomas N. Chapman, Judges

M.M. ("Father") appeals the denial of his Rule 74.06(b) motion for relief from the judgment terminating his parental rights to his son, N.M.J.W. ("Son"), and granting the request of S.L.C. ("Mother") and M.S.C. ("Stepfather") to adopt Son. Father challenges the denial on several grounds, including that the court violated his right to due process by failing to provide him notice of the hearing date and an opportunity to be heard on his Rule 74.06(b) motion.

JUDGMENT SET ASIDE AND REMANDED.

Division Three holds:

The record before this court does not establish that Father received notice of the hearing date on his Rule 74.06(b) motion. While Father's appointed counsel from the adoption proceeding received notice of the hearing date, appointed counsel did not appear at the hearing, and it is unclear whether appointed counsel was still representing Father at that time. The failure to provide Father notice of the hearing date on the motion violated his right to due process and rendered the judgment denying the motion void. Father is entitled to notice and an opportunity to be heard on his Rule 74.06(b) motion.

Opinion by: Lisa White Hardwick, Judge February 15, 2022

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