

IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

ALEXANDRA C. PREVOST,

Appellant,

v.

BRETT M. SILMON,

Respondent.

DOCKET NUMBER WD84501

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: March 8, 2022

APPEAL FROM

The Circuit Court of Platte County, Missouri
The Honorable W. Ann Hansbrough, Judge

JUDGES

Division One: Pfeiffer, P.J., and Mitchell and Witt, JJ.

CONCURRING.

ATTORNEYS

Allison G. Kort, Kansas City, MO, Attorney for Appellant.

Anthony W. Bonuchi, Kansas City, MO, Attorney for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

ALEXANDRA C. PREVOST, Appellant,

v.

BRETT M. SILMON, Respondent.

WD84501

Platte County

Before Division One Judges: Mark D. Pfeiffer, Presiding Judge, and Karen King Mitchell and Gary D. Witt, Judges

Ms. Alexandra Prevost (“Mother”) appeals from the Judgment of Modification of the Circuit Court of Platte County, Missouri (“circuit court”), modifying the previously entered Judgment of Dissolution and awarding Mr. Brett Silmon (“Father”) sole legal custody of their minor child (“Child”).

AFFIRMED.

Division One holds:

1. In Mother’s **first** point on appeal, she impermissibly raises two separate against-the-weight-of-the-evidence claims in one point relied on: (1) that the circuit court erred in awarding Father sole legal custody of Child—which we address here; and (2) that the circuit court erred in adopting the GAL’s parenting plan—which we address in point two.

A court shall not modify a prior custody decree unless it finds, upon facts that have arisen since the prior decree or that were unknown at the time of the prior decree, that a change has occurred in the circumstances of the child or the child’s custodian, and that the modification is necessary to serve the best interests of the child. A judgment granting sole legal custody must be based on a finding that the parties lack a commonality of beliefs concerning parental decisions, and lack the willingness and ability to function as a unit in making those decisions.

Mother herself asserted in a competing motion for sole legal custody below and in her briefing before this Court that circumstances had so changed that modification of the circuit court’s original custodial decree was required. And, based upon Mother’s legally inconsistent assertions and the evidence adduced at trial, the circuit court’s judgment that Mother and Father lacked a commonality of beliefs concerning parental decisions, as well as a willingness and ability to function as a unit in making those decisions, was not against the weight of the evidence.

2. In Mother’s **second** point on appeal, she contends that the circuit court misapplied section 452.375.6, RSMo, and failed to make findings permitting the circuit court to reject the

respective parenting plans submitted by Mother and Father and, instead, adopt the parenting plan proposed by the GAL.

There is no prescribed format or magic formulation that the circuit court must include in its judgment in order to comply with the statutory requirements found in section 452.375.6; instead, it is only necessary that the circuit court's judgment allow for meaningful appellate review. To permit meaningful review, the circuit court's judgment should include the relevant best-interest-of-the-child factors listed in section 452.375.2(1)-(8), RSMo, the public policy of frequent, continuing, and meaningful contact of the parents found in section 452.375.4, RSMo, and a specific written parenting plan under section 452.375.9, RSMo.

The circuit court's written judgment provided, in great detail, a discussion of each of the statutorily required findings (*i.e.*, the relevant best-interest-of-the-child factors, the public policy factors, and a written parenting plan) and such findings were supported by substantial and competent evidence.

3. In Mother's **third** point on appeal, she impermissibly—again—asserts two sufficiency-of-the-evidence claims in one point relied on: (1) that the circuit court erred in ordering her to pay child support to Father; and (2) that the circuit court erred in denying her request for child support.

Mother's first argument under point three is unpreserved. Mother failed to raise any challenge to the circuit court ordering her to pay child support, either at trial or in an after-trial motion.

And, though Mother's second argument under point three, that the circuit court erred in denying her request for retroactive child support, was preserved for appellate review, Mother has abandoned this claim on appeal by providing no legal analysis whatsoever and failing to otherwise develop or advance any legal reasoning for her claim on appeal.

As a matter of discretion, we *generally* will review claims on the merits where such review is not hindered by briefing violations, but we will do so only if the argument is readily understandable. Here, we are unable to discern Mother's argument without becoming an advocate for her.

4. In Mother's **fourth** point on appeal, she asserts a sufficiency-of-the-evidence claim that the circuit court erred in denying her motion to reapportion the GAL's fees in accordance with the parties' respective incomes. However, Mother has abandoned this claim by, once more, providing no legal analysis and failing to otherwise develop or advance any legal reasoning. Mother's briefing errors make reviewing the merits of her claim impossible without becoming an advocate for her.

Opinion by: Mark D. Pfeiffer, Presiding Judge

March 8, 2022

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