OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

IN THE INTEREST OF: L.Q.F., A.E.D., D.G.F., J.S.F., L.T.K., AND J.L.K.	)	No. ED109823
	)	
	)	
	)	Appeal from the Circuit Court
	)	of Franklin County
	)	Cause No. 19AB-JU00217
	)	
	)	Honorable Ada Brehe-Krueger
	)	
	)	Filed: March 15, 2022

Mother appeals the circuit court's judgment terminating her parental rights as to her six children. Mother raises two points on appeal. First, Mother argues the circuit court erred in denying her motion for extraordinary expenses for an expert witness to evaluate and testify to Mother's physiological incapacity to protect her children from abuse. Second, Mother argues the court erred in allowing hearsay testimony regarding statements made by two of the children who were adults at the time of the dispositional hearing.

AFFIRMED.

Division Five Holds:

First, the circuit court did not err in denying Mother's motion for extraordinary expenses under Section 211.462 and 13 CSR 40-30.020. The plain and ordinary language of the regulation allowed the circuit court discretion to approve or deny Mother's motion. An expert evaluation more than two years after removal would have provided little information regarding Mother's physiological condition during the previous years of abuse. Further, even if Mother's expert testified that her condition prevented her from protecting the children, substantial evidence supported the circuit court's finding that Mother personally abused the children and often encouraged their abuse by Father. The court did not abuse its discretion in denying Mother's motion for extraordinary expenses.

Second, no prejudice resulted from the circuit court's admission of a children service worker's testimony to hearsay statements made by two of Mother's children. The juvenile officer argued the testimony was admissible pursuant to the *P.K.A.* exception to the hearsay rule, which allows testimony to out-of-court statements by children regarding their abuse. But no record was made regarding whether the testimony met the four *P.K.A.* factors for admission. Also, although the declarants were children when they made the statements, they were adults at the time of the hearing in which their hearsay statements were admitted. That said, we review the admission of evidence for prejudice, not mere error. Other, overwhelming evidence supported the circuit court's judgment and, therefore, there was no prejudice.

Opinion by: Cristian M. Stevens, J.,
Sherri B. Sullivan, C.J., and Colleen Dolan, J., concur.

Attorney for Appellant: Paul O. Schmanke
Attorney for Respondent: Laura Sexton

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.