In the Missouri Court of Appeals
Eastern District

DIVISION TWO

O.H.B. and E.K.B., by next friend S.M.B., and S.M.B., individually,	)	ED110427
Appellants,	)	Appeal from the Circuit Court of Cape Girardeau County
v.	)	21CG-DR00021
L.Y.S.,	)	Honorable Julia M. Koester
Respondent.	)	Filed: March 21, 2023

S.M.B. (hereinafter "Father") appeals a judgment ordering Father and L.Y.S. (hereinafter "Mother") to share joint legal and physical custody of their two minor children and ordering Father to pay child support. Father claims the judgment is against the weight of the evidence and misapplies the law by not awarding substantially equal parenting time. He also claims the circuit court erroneously calculated child support based on the allegedly incorrect custody determination.

AFFIRMED.

Division Two holds: The circuit court did not err by ordering joint legal and physical custody. Father's argument fails to demonstrate why the judgment is based on unpersuasive evidence. Further, the circuit court did not misapply the law because ordering Father to have physical custody of the children four nights every 14 days, in addition to alternating holidays and alternating weeks during the summer, constitutes "significant, but not necessarily equal" time sufficient to satisfy the statutory definition of joint physical custody. Finally, because Father's first point lacks merit, his claim the child support award "will be erroneous upon correction" of the custody issue necessarily fails.

Opinion by: Renée Hardin-Tammons, J.

Lisa P. Page, P.J. and Thomas C. Clark, II, J., concur.

Attorney for Appellant: Zachary Rozier

Attorney for Respondent: Laura Clubb

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