MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN RE: THE MARRIAGE OF BRIAN L. CAMPBELL, Appellant,
v.
SHELBIE E. CAMPBELL, Respondent.

DOCKET NUMBER WD87402

DATE: May 27, 2025

Appeal From:

Randolph County Circuit Court
The Honorable David Craig Mobley, Judge

Appellate Judges:

Division Four: Anthony Rex Gabbert, Chief Judge Presiding, Janet Sutton, Judge, and James Edward Welsh, Special Judge

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Attorneys:

Jonathan Sternberg, Kansas City, MO, counsel for Appellant.

David Brown, Hannibal, MO, counsel for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WD87402 Randolph County

Before Division Four Judges: Anthony Rex Gabbert, Chief Judge Presiding, Janet Sutton, Judge, and James Edward Welsh, Special Judge

Brian Campbell (Father) and Shelbie Campbell (Mother) married in April 2016. Their two children (the Children) were born in 2017 and 2020.

According to Mother, Father was very jealous and controlling. Father installed cameras throughout the house and admitted to monitoring Mother in real time. Father also got very angry if Mother did not clean the house to his standards. Father would take Mother's car keys and leave her stranded at their house, which was approximately twenty minutes outside of town. This occurred while Mother was at home with their older child and when she was pregnant with their younger child. Father would also flatten Mother's car tires so she could not leave the house.

Mother's sister (Sister) described Father as degrading and manipulative. According to Sister, Father would tell Mother, in front of the Children, that she was not "smart enough" to do tasks such as make coffee. There were instances were Father was also so rude to Sister that she became uncomfortable and left Mother and Father's house.

Mother and Father separated in September 2022. Mother hired an attorney who had previously represented Father's family which upset Father and he threatened to drag out the proceedings, call the "DFS hotline," and make the situation "very expensive." Father filed a petition for dissolution of marriage in October 2022.

Mother and Father made a co-parenting schedule after their separation. Mother thought the schedule had worked well, but that it affected the older daughter in school and that the younger daughter would also benefit from more stability. Mother additionally suspected that Father was relying on his mother to watch the Children on several nights, and Father previously admitted to Mother that he had lied about the Children's whereabouts. Father did not consistently provide child support due to debts.

After a bench trial, the trial court entered its judgment and decree of dissolution of marriage. Mother was granted sole legal and sole physical custody, subject to Father's

visitation one day a week, holiday visitation, and summer visitation. Father filed a motion for new trial or to amend the judgment, arguing that the trial court misapplied the law and its findings were against the weight of the evidence. Father also requested that the trial court amend the visitation schedule.

The trial court entered an amended judgment and decree of dissolution of marriage which amended the visitation schedule. Father again moved for a new trial or to amend the amended judgment and the trial court declined to rule on the motion. Father appeals.

AFFIRMED.

Division Four holds:

1. The trial court did not misapply the law in granting Mother sole physical custody of the Children. Under section 452.375.2, RSMo, there is a "rebuttable presumption that an award of equal or approximately equal parenting time to each parent is in the best interests of the child." The presumption can be rebutted "only by a preponderance of the evidence in accordance with all relevant factors, including, but not limited to, the factors contained in subdivisions (1) to (8) of th[e] subsection." The trial court made specific findings that weighed against Father including his attitude towards Mother in front of the Children, his attempt to destroy Mother's self-confidence, his work schedule, his verbal, emotional, and mental abuse of Mother, and his evasiveness and lack of credibility under oath. In contrast, the trial court did not make any findings that weighed against Mother and also found her to be credible. Therefore, the trial court did not err in finding that the presumption for equal or approximately equal parenting time was rebutted.

2. The trial court did not err in concluding that extended periods of contact between the Children and Father is not in their best interests because the finding was supported by substantial evidence. Father erroneously argued that sole physical custody under section 452.375 is only appropriate where there is evidence of withholding visitation, substance abuse, or abuse or neglect of the children, and that evidence of bad behavior directed at the other parent is not probative or substantial. Missouri law clearly establishes that a trial court shall consider all relevant factors, which may include evidence of one parent's emotional or physical abuse of the other parent. The fact-specific nature of child custody determinations requires a trial court to review all evidence and make credibility determinations to determine what is in the children's best interests. Because the trial court's conclusion is supported by substantial and credible evidence, including Father's treatment of Mother, we defer to its judgment.

Opinion by: Janet Sutton, Judge May 27, 2025

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