In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

BRANDI M. BIZZELL, Appellant, v. THOMAS E. BERNATOW, Respondent.	)))))))))	ED113839 Filed: August 11, 2026

Appeal from the Circuit Court of Jefferson County
The Honorable Brenda Stacey, Judge

Introduction

Brandi M. Bizzell (Mother) appeals the trial court's amended modification judgment awarding child support to Thomas E. Bernatow (Father) where no support had been ordered under the prior dissolution judgment. Mother raises four points on appeal. First, she argues the trial court's finding of a substantial and continuing change of circumstances was unsupported by substantial evidence. Specifically, Mother alleges that the trial court erred because Father's evidence on this threshold issue consisted primarily of his own testimony, which was insufficient to warrant modification. In Point Two, she contends the trial court erred in finding a substantial and continuing change of

circumstances because such a finding is against the weight of the evidence. In her third point of error, Mother alleges that no substantial evidence supports the trial court's acceptance of Father's presumed child support amount (PCSA) as it exceeds the demonstrable needs of the children, and the trial court abused its discretion by not rebutting the PCSA as unjust and inappropriate. Mother also contends that the trial court was required to cite the specific statutory factors it considered before awarding Father that amount. In her fourth and final point, Mother claims the trial court misapplied the law by awarding only a six percent, instead of ten percent, overnight visitation credit (OVC) for the number of overnight visits she has with the children. She also alleges the trial court was required to enter separate Form 14s for each unemancipated child.

We deny Points One and Two because Father's detailed testimony about increased child-rearing costs, Mother's increased income, and Father's decreased income since the 2017 consent modification judgment provided substantial evidence to support the trial court's finding of a substantial and continuing change of circumstances. We decline to review Mother's Point Three because it fails to comply with the mandatory requirements of Rule 84.04,[1] as it is multifarious and does not provide any citations to the record on appeal to support preservation of this point. Finally, we deny Point Four because the Directions, Comments for Use and Examples for Completion of Form 14 allow the trial court in its discretion to award the OVC that aligns with the amount of parenting time actually exercised. Additionally, the trial court's adopted Form 14 properly accounted

[1] All rule references are to Missouri Supreme Court Rules (2026) unless otherwise indicated.

for the future emancipation of the older child through separate, incremental child support calculations. Accordingly, we affirm the trial court's judgment.

Factual and Procedural Background

Father and Mother married in June 2001 and three children were born of the marriage: A.C.B., N.T.B., and S.E.B.[2] The parties subsequently divorced in April 2016 and were awarded joint legal and physical custody. The dissolution judgment ordered Father to pay Mother maintenance for five years ending in 2021, and monthly child support for three children. In 2017, Mother moved to Georgia prompting the parties to enter into a consent judgment, which terminated Father's obligation to pay Mother child support. The 2017 Consent Judgment maintained a joint physical and legal custody arrangement, but designated Father's Missouri home as the children's primary residence and awarded Mother substantial summertime custody.

In its 2017 Form 14, the court found Father's gross monthly income at that time to be $13,335 and Mother's gross monthly income to be $2,083. The court incorporated the parties' Parenting Plan which made Father responsible for bearing most of the typical child-rearing expenses, and 100% of "all extraordinary expenses incurred for the minor children including, but not limited to, … extracurricular activities." Mother's financial obligation under the 2017 Consent Judgment was limited to making a $150 monthly contribution to the children's activity expenses. Sometime in Spring 2024, Mother

[2] A.C.B. is emancipated and is not subject to this action.

unilaterally stopped paying the activity fee, prompting Father to file the current modification action.

Modified Judgment

In August 2024, after filing an initial modification motion, Father filed an Amended Motion to Modify and Request for Determination of Sums Due and Owing. In his pleading, Father alleged that since the 2017 Consent Judgment a continuing and substantial change in circumstances had occurred for the following reasons: (1) child-related expenses had increased; (2) Mother's income had significantly increased and; (3) Father's own income significantly decreased. Mother moved to dismiss Father's motion to modify, and her motion was taken with the case.

In March 2025, the case was called for trial. At that time N.T.B. was nineteen years old, attending college, and S.E.B. was fifteen and in high school. Father testified to several current expenditures on behalf of the children. Father testified that he provides N.T.B. $175 a month in spending money, reimburses him for haircuts and meals, and assists with larger expenses. Father testified as to the increase in the cost for the children's cell phones, having paid $278 monthly in 2017 and $349 in 2025. Father explained that in 2017 his monthly food bill for the children was $500 and in 2025 it was $1,000. In 2017 Father's monthly clothing expenditure for the children was $45 and now it was $100. Father's health insurance costs for the children had risen from $146 monthly in 2017 to $171 in 2025. Overall, Father estimated his household expenses increased by $1,000. Father conceded that he no longer pays for certain child-related expenses. These include counseling, discontinued prescribed medications, and orthodontic care. The trial

court admitted as evidence its own 2017 Form 14 and Father's Second Amended Statement of Income and Expenses.

Father and Mother stipulated to each other's incomes: Father earns $10,254 gross monthly, while Mother earns $7,425 gross monthly. Both parties have remarried. Father shares household expenses with his wife, including expenses for the children. The income of Father's wife fluctuates as she sells cars. Mother's husband makes $36,000 working in a grocery store.

Father testified that N.T.B. only stays overnight with Mother a few times a year, and only sleeps overnight at Father's house for three months and sporadic weekends. Whereas, Mother claimed both N.T.B. and S.E.B. spend 104 overnights with her. Both parties submitted only one Form 14 that included incremental child support calculations for two children and then one child. Mother's proposed Form 14 sought a ten percent OVC for both children. Mother's Form 14 showed the PCSA to be $748 for two children and $483 for one child. Father requested the trial court award Mother a six percent OVC for child support payments by averaging N.T.B. and S.E.B.'s overnight stays. Father's Form 14 showed the PCSA to be $1,026 for two children and $728 for one child.

The court entered its modification judgment on May 2, 2025. Pursuant to the parties' stipulation, the trial court found Father earns $10,254 gross monthly income and Mother earns $7,425. The trial court stated "the children's expenses have increased over time and based on their ages, and the cost of providing the children with insurance, cell phones, groceries and clothing has gone up." The trial court accepted and adopted Father's Form 14 and awarded Mother six percent OVC. Additionally, the trial court

awarded Father the PCSA: $1,026 in child support for two children and $728 for one child. The trial court denied Mother's motion to dismiss.

Shortly after, Father moved to amend the judgment nunc pro tunc, explaining the child support amounts in the Parenting Plan did not match the judgment. Father sought the addition of a note clarifying that the judgment takes precedence over the Parenting Plan. The trial court granted Father's motion and issued its Nunc Pro Tunc Judgment on May 20, 2025. Mother filed a Motion for New Trial raising the same four points made in her brief, which the trial court denied. This appeal follows.

Standard of Review

"The standard of review governing modifications of child support is the same as in any other court-tried case. We will affirm the trial court's judgment unless it is unsupported by substantial evidence, it is against the weight of the evidence, or it erroneously declares or applies the law." *McKenna v. McKenna*, 717 S.W.3d 634, 643 (Mo. App. W.D. 2025) (internal quotation omitted). "We view the evidence, and permissible inferences therefrom, in the light most favorable to the trial court's judgment, and we disregard all contrary evidence and inferences." *Woolery v. Woolery*, 679 S.W.3d 17, 22 (Mo. App. W.D. 2023) (internal quotation omitted). As the trier of fact, the trial court "can believe all, part, or none of the evidence presented." *Wilkerson v. Wilkerson*, 707 S.W.3d 79, 84 (Mo. App. S.D. 2025) (internal quotation omitted). "The determination to award a modification in child support lies within the discretion of the trial court, and the trial court's decision will be reversed only for abuse of discretion or

misapplication of the law." *Reinhart v. Reinhart*, 554 S.W.3d 524, 527 (Mo. App. E.D. 2018) (internal quotation omitted).

Points One and Three—Substantial Evidence

"Substantial evidence is that which, if true, has probative force upon the issues, and from which the trier of fact can reasonably decide the case." *Grabb v. Grabb*, 689 S.W.3d 207, 212 (Mo. App. W.D. 2024) (internal quotation omitted). To succeed on a lack of substantial evidence challenge, an appellant must "(1) identify a challenged [fact] necessary to sustain the judgment; (2) identify all of the favorable evidence supporting [it]; and (3) demonstrate why that supporting evidence … is so lacking in probative value that the trier of fact could not reasonably believe the proposition." *Id.* at 213. (internal quotation omitted).

Point Two—Against the Weight of the Evidence

"A judgment is against the weight of the evidence only if the trial court could not have reasonably found, from the evidence at trial, the existence of a fact that is necessary to sustain the judgment." *Severn v. Severn*, 567 S.W.3d 246, 255 (Mo. App. W.D. 2019) (internal quotation omitted). "A claim that the judgment is against the weight of the evidence presupposes that there is sufficient evidence to support the judgment." *Prevost v. Silmon*, 645 S.W.3d 503, 512 (Mo. App. W.D. 2022) (quoting *Ivie v. Smith*, 439 S.W.3d 189, 205 (Mo. banc 2014)) (internal quotation marks and alterations omitted). An against-the-weight-of-the-evidence challenge has four steps:

> (1) identify a challenged factual proposition, the existence of which is necessary to sustain the judgment;

(2) identify all the favorable evidence in the record supporting the existence of that proposition;

(3) identify the evidence in the record contrary to the belief of that proposition, resolving all conflicts in testimony in accordance with the trial court's credibility determinations, whether explicit or implicit; and,

(4) demonstrate why the favorable evidence, along with the reasonable inferences drawn from that evidence, is so lacking in probative value, when considered in the context of the totality of the evidence, that it fails to induce belief in that proposition.

Id. at 512–13 (internal quotation omitted).

Point Four—Erroneous Application of Law

"In considering whether the trial court erroneously declared or misapplied the law, we defer to the trial court's factual determinations but otherwise review the trial court's legal conclusions and application of law to the facts *de novo*." *McLeod v. McLeod*, 681 S.W.3d 215, 228–29 (Mo. App. W.D. 2023) (citing *Singleton v. Singleton*, 659 S.W.3d 336, 341 (Mo. banc 2023)).

Analysis

Points One and Two: The trial court's judgment of modification awarding Father child support is not erroneous because it is supported by substantial evidence and is not against the weight of the evidence, as the record establishes a substantial and continuing change of circumstances

In Points One and Two, Mother argues the evidence at trial did not support the trial court's finding of a substantial and continuing change of circumstances sufficient to merit an award of child support to Father. Although Mother's arguments are reviewed under different legal standards—substantial evidence and against the weight of the evidence—the evidence at issue is closely interrelated; therefore, for the ease of the reader, we address these points together.

Mother alleges that Father's testimonial evidence as to the increase in the children's needs was not supported by detailed evidence such as invoices, bills, receipts, or bank statements. Mother also alleges that Father's Second Amended Statement of Income and Expenses demonstrated his overall expenses actually decreased. Additionally, Mother states Father's income has substantially increased from 2020 to the present. We are unpersuaded by Mother's arguments.

> [A]ny judgment respecting maintenance or [child] support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable.… [T]he court … shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed.

Section 452.370.1.[3]

"A change in the parties' financial circumstances or in the children's needs may be sufficient evidence to show such a change." *McLaughlin v. McLaughlin*, 639 S.W.3d 472, 477–78 (Mo. App. E.D. 2021) (internal citation omitted). "The parent seeking the modification has the burden of proving the substantial and continuing change in circumstances." *Id.* at 477; *see also* Section 452.370.2. "Increases in the cost of living, which occur with the growth and maturing of children, have been held to constitute substantial and continuing change allowing for modification in child support."

[3] All statutory references are to RSMo (2016) unless otherwise indicated. Under Section 452.370.1, a prima facie showing of a substantial change in circumstances occurs when child support changes by twenty percent or more based upon the presumed amount. In the case at bar, the presumption does not apply as no amount of child support was ordered in the 2017 Consent Judgment.

Blomenkamp v. Blomenkamp, 462 S.W.3d 429, 432 (Mo. App. W.D. 2015) (internal quotation omitted). A party's testimony about increased child care costs provides a sufficient basis to modify child support and "such testimony need not be proved with absolute particularity[.]" *Eichacker v. Eichacker*, 596 S.W.3d 177, 191 (Mo. App. E.D. 2020) (internal citation omitted). However, the testimony must be detailed. *Schneithorst v. Schneithorst*, 473 S.W.3d 239, 247 (Mo. App. E.D. 2015) (citing *In re Marriage of Lindhorst*, 347 S.W.3d 474, 476 (Mo. banc 2011)) (internal citation omitted).

Here, the trial court did not abuse its discretion in awarding Father child support because his child-related expenses increased, and his income decreased from the date of the last modification, while Mother's income increased. Father experienced nearly a $700 increase in the cost of raising his two minor children for their insurance, cell phones, groceries and clothing. Additionally, he testified his household expenses increased by roughly $1,000. These changes are sufficiently substantial and continuing to warrant modification. *See Reinhart*, 554 S.W.3d at 528 (affirming a modification of a child support obligation based on a substantial and continuing change of circumstances since judgment of dissolution of marriage was entered several years prior and there was evidence of a change in children's needs and the parents' income warranting modification of Father's child support). Nothing requires Father, as Mother argues, to produce invoices, bills, or receipts as detailed testimony alone suffices. *See Eichacker*, 596 S.W.3d at 191; *see also Schneithorst*, 473 S.W.3d at 247.

Additionally, Father earned $13,335 gross monthly in 2017 and $10,254 in 2025. Mother earned $2,083 gross monthly in 2017 and $7,425 in 2025. Father experienced

nearly a twenty-five percent decrease in income while Mother experienced more than a 255% increase in her income. This added additional support to the trial court's finding of a substantial and continuing change in circumstances. *See Reinhart*, 554 S.W.3d at 527–28 (stating the mother's income increase from $79,500 to $183,000 contributed to the trial court's finding of substantial and continuing circumstances).

As contrary evidence, Mother points to the decrease in overall monthly expenses from 2017 to 2025, including Father's spouse contributing to household expenses, discontinued expenses, Father's increased income from 2020 to present,[4] and A.C.B.'s emancipation and gainful employment. But our standard of review requires us to disregard all contrary evidence and inferences. *Woolery*, 679 S.W.3d at 22. Consequently, Points One and Two are denied.

Point Three: This Point violates Rule 84.04(d) and (e) and this Court declines to review it *ex gratia*

Mother argues no substantial evidence supports the trial court's acceptance of Father's PCSA as it exceeds the demonstrable needs of the children, and that the trial court abused its discretion[5] by failing to rebut the PCSA as unjust and inappropriate.

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[4] "In considering whether there has been a sufficient change of circumstances, **we look to the date of the last prior modification**." *Baker v. Baker*, 60 S.W.3d 19, 22 (Mo. App. E.D. 2001) (internal citation omitted) (emphasis added). Therefore, Father's income in 2020 is irrelevant because we only look to the last modification, which was in 2017, to determine whether a change in circumstances occurred.

[5] "An abuse of discretion occurs when the court's order is clearly against the logic of the circumstances and is so arbitrary and unreasonable as to shock the sense of justice and indicate a lack of careful consideration." *DeSpain v. DeSpain*, 717 S.W.3d 796, 802 (Mo. App. W.D. 2025) (internal quotation omitted).

Further, Mother alleges that the trial court abused its discretion by failing to cite the specific statutory factors it considered in making its child support award. Father claims this point is multifarious. We agree.

Mother's argument concerns the two-step *Woolridge* procedure, which may be challenged in two ways: (1) the trial court's application of the *Woolridge* procedure under the *Murphy v. Carron* standard of review, and (2) the trial court's rebuttal of the PCSA for abuse of discretion. *Bearce v. Lewey*, 182 S.W.3d 737, 742 (Mo. App. W.D. 2006) (internal citation omitted). In this Point, Mother impermissibly raises both challenges together, thus preserving nothing for review.

"Compliance with Rule 84.04 briefing requirements is mandatory in order to ensure that appellate courts do not become advocates by speculating on facts and on arguments that have not been made." *Clanton v. Clanton*, 735 S.W.3d 556, 558 (Mo. App. S.D. 2026) (internal quotation omitted). We may review noncompliant points *ex gratia* if readily understood, but we must exercise this discretion cautiously to discourage substandard briefing. *Auman v. Richard*, 672 S.W.3d 277, 281 (Mo. App. W.D. 2023) (internal quotation omitted). "A multifarious point … groups together multiple, independent claims rather than a single claim of error." *Barbieri v. Barbieri*, 633 S.W.3d 419, 432 (Mo. App. E.D. 2021) (citing *Ivie*, 439 S.W.3d at 199 n.11). "Generally, multifarious claims of error preserve nothing for appeal and are subject to dismissal." *Id.* (citing *Ivie*, 439 S.W.3d at 199 n.11) (internal citation omitted) (emphasis removed).

Additionally, Mother provided an inadequate preservation statement requiring this Court to scour the record to identify support for Mother's assertion that the issue was

preserved for appellate review. Rule 84.04(e) requires specific page references to the relevant portion of the record on appeal. *Hale v. Burlington N. & Santa Fe Ry. Co.*, 638 S.W.3d 49, 61 (Mo. App. S.D. 2021). "[I]t is improper for this Court to spend time searching the record to determine if factual assertions in the brief are supported by the record." *Goodpasture v. Goodpasture*, 723 S.W.3d 898, 911 (Mo. App. W.D. 2025) (internal quotation, quotation marks, and alterations omitted). "To do so would be to act impermissibly as an advocate by scouring the record …." *Id.* (internal quotation and quotation marks omitted).

Although we may review noncompliant points *ex gratia*, we decline to do so here because to review this Point would impermissibly make this Court an advocate. Point Three is dismissed.

Point Four: The trial court did not err in adopting Father's Form 14 because it provided incremental child support and the court appropriately exercised its discretion to award the OVC that aligns with the amount of parenting time actually exercised

Father claims Mother did not preserve this point for appeal. We find the point preserved.[6] Mother argues the trial court should have completed two Form 14s, one for

[6] Mother in her initial brief stated Point Four was preserved because Father pleaded it and both parties testified to the issue at trial. Rule 84.04(e) requires "[a]ll factual assertions [including preservation statements] in the argument shall have specific page references to the relevant portion of the record on appeal[.]" Rule 84.04(e); *see also Gan v. Schrock*, 652 S.W.3d 703, 710 (Mo. App. W.D. 2022) ("Identifying if and how claims are preserved is necessary because we will not convict a trial court of error on an issue that it had no chance to decide.") (internal alterations, quotation marks, and quotation omitted). Mother's preservation statement violates Rule 84.04(e) by failing to cite to any part of the record on appeal. Mother remedied this error in her reply brief by citing to her motion for new trial. We exercise our discretion to review this non-compliant point *ex gratia*.

each of the unemancipated children, as she was entitled to ten percent overnight credit for S.E.B. instead of the six percent awarded by the trial court. We disagree.

"Rule 88.01 requires the use of Civil Procedure Form 14 in calculating child support." *Hereth v. Hereth*, 715 S.W.3d 571, 576 (Mo. App. W.D. 2025) (internal quotation omitted). Mother relies on the Directions, Comments for Use and Examples for Completion of Form No. 14 (Form 14 Directions, Comments, and Examples) for support. Specifically, she quotes the following passage, "[w]hen ordering support incrementally, the court or administrative agency shall complete a separate Form No. 14 for each combination of children that is the subject of the proceeding." Form 14 Directions, Comments, and Examples at Increment Orders. We find this argument without merit because the trial court adopted Father's Form 14, which provided for incremental child support. The Form 14 stated child support for two children was $1,026 and for one child it was $728. This complies with the Form 14 Directions, Comments, and Examples as evidenced by the increment order example. Form 14 Directions, Comments, and Examples at Increment Orders ("For three children, Parent A shall pay to Parent B the total sum …. At such time as Parent is entitled to support for only two children on the date child support is payable, Parent A shall pay …."). This Court notes Mother also submitted only one Form 14 yet complains of the trial court not creating two separate forms.

Ball v. Ball, 638 S.W.3d 543, 551 n.8 (Mo. App. E.D. 2021) (internal citation omitted) ("We exercise this discretion with caution, because each time we review a noncompliant brief *ex gratia*, we imply substandard briefing is acceptable. It is not.").

Next, we turn to the crux of Mother's argument: she did not receive the amount of OVC she expected for S.E.B. "Line 11 of Form 14 requires the trial court to make an adjustment for a portion of amounts expended by the parent obligated to pay support during periods of overnight visitation or custody." *Buckallew v. Hall*, 737 S.W.3d 88, 96 (Mo. App. W.D. 2026) (internal quotation marks omitted). For thirty-six to seventy-two overnights, the court must award a six percent overnight credit. For ninety-two to 109 overnights, the court must award a ten percent overnight credit.

"But, the directions further provide that the trial court should make the adjustment based on the number of periods of overnight visitation or custody per year **awarded to and exercised** by the parent obligated to pay support under any order or judgment." *Id.* (internal quotation marks omitted) (emphasis in original). Comment C(3) states that the overnight credit percent specified in the Form 14 directions can be rebutted where "[w]ithout fault of the parent entitled to receive support," the paying parent "exercises the periods of overnight visitation or custody awarded under any order or judgment with some but not all children …." Form 14 Directions, Comments, and Examples at Line 11 Comment C(3).

Here, the trial court exercised its discretion to award Mother OVC that reflects the actual amount of time the children spend with her. The parenting plan governs both N.T.B. and S.E.B. But the court credited Father's testimony that N.T.B. spends only a few overnights with Mother because he is a young adult, attending college, and spends only three months and occasional weekends with Father. This Court notes ordinarily Mother would have received a ten percent OVC; however, Comment C(3) allows the

court to rebut the overnight credit if the paying parent exercises less time than the amount of parenting time awarded. *See Buckallew*, 737 S.W.3d at 92, 97 (affirming a trial court's reduction in a father's overnight credit despite the parenting plan allowing for a fifty-fifty split of parenting time because the father only exercised around ten to thirteen percent of his parenting time). Point Four is denied.

Conclusion

This Court dismisses Point Three and the judgment of the trial court is otherwise affirmed.



Rebeca Navarro-McKelvey, Presiding Judge

Gary M. Gaertner, Jr., Judge and,
James M. Dowd, Judge concur.