

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

GREGORY A. LANDWEHR,)	No. ED100700
)	
Respondent,)	
)	Appeal from the Circuit Court
v.)	of Franklin County
)	
JULIE B. LANDWEHR)	Hon. Gael Wood
)	
Appellant.)	FILED: July 8, 2014

Julie Landwehr (Mother) appeals the trial court's judgment modifying a previous joint custody decree and awarding to Greg Landwehr (Father) sole physical and legal custody of the couple's son. Mother asserts that the trial court erred by not appointing a guardian *ad litem* in light of Father's allegation of neglect.

AFFIRMED.

Division One Holds: The trial court did not abuse its discretion by not appointing a GAL *sua sponte*. Neither Father's pleadings nor the evidence at trial contained sufficiently specific allegations of neglect to trigger mandatory appointment under §452.423.2. Moreover, Mother did not satisfy her burden of proving that the absence of a GAL was detrimental to the child's best interests. The record supports a finding that the child's best interests are served in Father's sole custody, so there was no prejudice as required to warrant a new trial under Rule 84.13(b).

Opinion by: Clifford H. Ahrens, J. Roy L. Richter, Presiding Judge, and Glenn A. Notron, Judge.

Attorney for Appellant: Taylor Goodale

Attorney for Respondent: David L. Baylard

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