

MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY

R.S.,)	No. ED101391
)	
Respondent,)	
)	
v.)	Appeal from the Circuit Court of St. Louis County
)	
J.S.,)	Hon. John R. Essner
)	
Appellant.)	FILED: March 10, 2015

J.S. appeals the trial court’s judgment denying her motion to modify custody of the son she shares with R.S. Under the original dissolution decree, the parties had joint physical custody, with Mother having residential custody on Wednesdays and alternating weekends, and Father had sole legal custody. Following improvements in her life circumstances, Mother sought joint legal custody and an increase in residential time. On the issue of physical custody, the court found that a change in the residential schedule wasn’t necessary to serve the child’s best interests. As for legal custody, the court found that the parties’ improved communication and collaboration constituted a change in circumstances and was necessary to the child’s well-being, but it nonetheless denied Mother’s motion.

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

DIVISION ONE HOLDS: (1) The trial court did not misapply the law in examining whether modification of physical custody was necessary to serve the child’s best interests. (2) The record supports the trial court’s determination that modification of physical custody was not necessary to serve the child’s best interests. (3) The trial court’s denial of Mother’s motion for joint legal custody does not comport with Missouri law or the court’s own findings as to the child’s best interests.

Opinion by: Clifford H. Ahrens, J. Lawrence E. Mooney, P.J., and Lisa Van Amburg, J., concur.

Attorney for Appellant: Maia Brodie

Attorney for Respondent: R.S., (pro se)

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.