

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DUSTYN TIENTER,)	No. ED101752
)	
Respondent,)	Appeal from the Circuit Court
)	of Lincoln County
vs.)	
)	
ANGELA (RUE) TIENTER,)	Honorable David Craig Mobley
)	
Appellant.)	Filed: February 23, 2016

Angela (Tienter) Rue (Mother) appeals the trial court’s judgment denying her motion to modify the 2007 judgment and decree of dissolution of marriage between Mother and Dustyn Tienter (“Father”). In her motion to modify, Mother sought sole legal custody and joint physical custody of the children, D.T. and L.T. She also requested the court award Father visitation and order him to pay reasonable child support. On appeal, Mother alleges the trial court erred: (1) in denying her motion to modify legal and physical custody; (2) in failing to modify the visitation schedule; and (3) in failing to award Mother child support in the event she should have been awarded physical custody. We reverse the judgment and remand for a determination of whether a modification of custody is in children’s best interests.

Division Two Holds:

- 1) We find that Father’s changes in employment and marital status, as well as Father’s failure to provide for the proper medical care and hygiene needs of the children, establishes a substantial change in circumstances.
- 2) We find the limited amount of evidence in the record in favor of the judgment is not sufficiently probative when considered in the context of the totality of the evidence

presented, particularly Father's testimony. As a result, the trial court's finding of no change in circumstances was against the weight of the evidence.

Opinion by: Angela T. Quigless, J.

Philip M. Hess, P.J., Gary M. Gaertner, Jr., J., Concur.

Attorney for Appellant: Susan M. Hais

Joseph A. Lambson, Co-Counsel

Julie D. Hixson-Lambson, Co-Counsel

Attorney for Respondent: Dustyn L. Tienter, Acting 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.