

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

J.D.W., et al.,)	No. ED101815
)	
Respondents,)	
)	Appeal from the Circuit Court
vs.)	of the City of St. Louis
)	
V..B.,)	Honorable Elizabeth B. Hogan
)	
Appellant.)	Filed: June 30, 2015

This appeal arises from a judgment in a paternity action addressing the custody of and support for the minor child of V.B. (“Mother”) and C.J.W. (“Father”).

AFFIRMED, IN PART, AND REVERSED AND REMANDED, IN PART.

Division Three holds:

The determination that joint physical custody is in the best interests of the child is supported by substantial evidence, is not against the weight of the evidence and does not misstate or misapply the law.

The designation of Mother as residential parent, with automatic re-designation to Father if Mother moves out of a certain area, improperly predetermines what would constitute a change of circumstances required for modification.

The award of the child income tax exemption to Father in alternating years is erroneous because the trial court did not first find the presumed child support amount to be unjust or inappropriate.

The denial of Mother’s request for attorney fees was not an abuse of discretion.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P.J. and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Lawrence G. Gillespie

Attorney for Respondent: John D. Kershman

**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.**