

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
DIVISION ONE

CRAIG POPE, Appellant,)	ED91988
)	
v.)	Appeal from the Circuit Court of
)	St. Louis County
CHILD ABUSE and NEGLECT REVIEW)	Hon. James R. Hartenbach
BOARD, A DIVISION OF MISSOURI)	
DEPARTMENT OF SOCIAL SERVICES,)	
Respondent.)	FILED: March 9, 2010

OPINION SUMMARY

Dr. Craig Pope (“Appellant”) appeals from the trial court’s finding by a preponderance of the evidence that he abused his daughter, K.P. He raises three points on appeal. First, he claims that the trial court erred and misapplied the law in extending the *PKA*¹ exception to the hearsay rule for out of court statements by a child concerning allegations of abuse to cases where child custody is not an issue. Second, Appellant claims that in the event that the *PKA* exception to the hearsay rule applies to non child custody cases, the trial court erred and improperly admitted said hearsay evidence because there was an improper foundation for its admission. Third, Appellant claims that the trial court erred and misapplied the law in affirming the findings and determination of the Child Abuse and Neglect Review Board (“CANRB”) in that it applied the wrong standard of review.

AFFIRMED

DIVISION ONE HOLDS: 1) The trial court did not err or misapply the law in extending the *PKA* exception to the hearsay rule for out of court statements by a child concerning allegations of abuse when the best interest of the child is at issue. 2) The trial court properly admitted the hearsay evidence under the *PKA* exception because there was a proper foundation for its admission. 3) The trial court applied the correct standard of review in affirming the findings and determination of the CANRB based on the evidence before it.

Opinion by: Nannette A. Baker, J.
Kathianne Knaup Crane, P.J. and Clifford H. Ahrens, J., concur.

Attorney for Appellant: Daniel Haltenhof
Attorney for Respondent: Gary Gardner

**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.**

¹ *In re marriage of P.K.A. and J.E.A.*, 725 S.W.2d 78 (Mo. App. S.D. 1987).