

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

IN THE MATTER OF)	No. ED94391
S.L.C., a Minor)	
)	
SAMANTHA CERUTTI WACKER,)	
)	
Petitioner-Respondent,)	
)	Appeal from the Circuit Court of
vs.)	St. Charles County
)	
KERRY LYNN KLING and)	Hon. Jon A. Cunningham
KATHLEEN KLING,)	
)	
Respondents-Appellants.)	FILED: November 23, 2010

Kerry Lynn Kling (Mother) and Kathleen Kling (Grandmother) appeal the circuit court’s judgment granting full guardianship of S.L.C. (Child) to her paternal aunt Samantha Cerutti Wacker (Aunt). They assert in part that the trial court erred by appointing Aunt as temporary guardian *ad litem* without notice or a hearing in violation of her due process rights. In essence, Mother objects to the *ex parte* nature of the temporary order that the court issued based on Aunt’s petition prior to trial.

APPEAL DISMISSED IN PART AND AFFIRMED IN PART.

DIVISION THREE HOLDS: Section 475.097 authorizes the court to issue a temporary *ex parte* order, which by its very nature expires and is superseded by the court’s subsequent judgment on the merits. As such, the temporary order that Appellants attempt to challenge here is moot and therefore not subject to appellate review. The judgment granting full guardianship is affirmed pursuant to Rule 84.16(b).

Opinion by: PER CURIAM

Attorney for Appellant: Ron Ribaldo and John C. Maxwell

Attorney for Respondent: David L. Baylard

**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.**