

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION FIVE

ERICA L. AUBUCHON,)	No. ED94683
k/n/a ERICA L. SANCHEGRAW,)	
Respondent,)	
)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	Cause No.: 0711-FC02030-01
)	
)	
)	Honorable Matthew E.P. Thornhill
CHAD AUBUCHON,)	
Appellant.)	
)	FILED: April 19, 2011

Chad Aubuchon (Father) appeals from the trial court's dismissal of his Motion to Modify Child Support in favor of Erica L. Aubuchon, k/n/a Erica L. Sanchezgraw, (Mother).

REVERSED AND REMANDED.

Division Five Holds: The trial court abused its discretion (1) in granting Mother's Motion to Dismiss Father's Motion to Modify Child Support without allowing Father to present evidence on the issue of his alleged inability to pay the ordered amount of child support; and (2) in finding Father's guilty plea in the misdemeanor nonsupport case estopped Father from arguing he had good cause not to pay and an inability to pay the ordered amount of child support.

Opinion by: Mary K. Hoff, Judge Gary M. Gaertner, Jr., Presiding Judge and
Patricia L. Cohen, Judge, concur.

Attorney for Appellant:	Daryl Lawrence Schaffer
Attorney for Respondent:	John D. McCannar
	Patrick W. Pedano
	Craig Geidel Kallen

**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.**