

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION THREE

GORDON H. AUBUCHON,)	No. ED97239
)	
Respondent,)	
)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	0711-FC01206-03
)	
)	
KIMBERLEY H. HALE,)	Honorable Richard K. Zerr
)	
Appellant.)	FILED: June 26, 2012

OPINION SUMMARY

Kimberley H. Hale appeals from the judgment denying her verified motion to modify, seeking sole physical and legal custody of M.A. and H.A., and denying her request for relocation.

REVERSED AND REMANDED.

Division Three Holds: The judgment is reversed with respect to the issue of insufficiency of evidence that a substantial change of circumstances has occurred. The cause is remanded to the trial court to consider whether a change of custody would be in M.A.'s and H.A.'s best interests, giving due consideration to the public policy stated in Section 452.375.4, RSMo Supp. 2009, and the eight statutory factors listed in Section 452.375.2, RSMo Supp. 2009, and for such other proceedings as are not inconsistent with this opinion. Because of this disposition, the judgment is also reversed and remanded with regard to whether relocation would be in the best interests of the children, as required by Section 452.377, RSMo 2000.

Opinion by: Mary K. Hoff, Judge
Robert G. Dowd, Jr., Presiding Judge and Sherri B. Sullivan, Judge, concur.

Attorney for Appellant: Francis E. Pennington
Laura A. Shea (Co-Counsel)
Attorney for Respondent: Erin R. Griebel
Attorney for Third-Party Respondent: 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.
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