

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MATTOX KELLEY MCINTOSH, b/n/f) No. ED99303
MICHELA DANIELLE STEINMEYER,)
Respondent,) Appeal from the Circuit Court
v.) of Cape Girardeau County
JUSTIN WILLIAM MCINTOSH,)
Respondent, and) Hon. Benjamin F. Lewis
VALERIE STEINMEYER and MICHAEL)
STEINMEYER, Appellants.) Filed: June 11, 2013

Valerie and Michael Steinmeyer (“Grandparents”) appeal from the judgment of the trial court modifying a 2009 custody order and awarding Michela Steinmeyer (“Mother”) sole legal and physical custody of her daughter. Grandparents argue the trial court erred because: (1) it incorrectly used Section 452.375.5 to modify the 2009 custody order rather than Section 452.410; and (2) it incorrectly found a change in circumstances sufficient to warrant modification under Section 452.410.

AFFIRMED.

Southern Division holds: The trial court properly used Section 452.410 to modify the 2009 custody order and its Section 452.375.5 discussion is part of its “best interests” analysis under Section 452.410. Further, the trial court properly found a change in circumstances pursuant to Section 452.410 because Mother was a “custodian” under Section 452.410. The changes in Mother’s employment and marital status were substantial changes in circumstances and awarding Mother sole custody was in the best interests of the child.

Opinion by: Robert G. Dowd, Jr., J.
Roy L. Richter, J. and Robert M. Clayton III, P.J., concur.

Attorney for Appellants: Alan Agathen

Attorney for Respondent: David M. Remley

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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