

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

AMANDA N. THOMAS,

Respondent,

v.

CHRISTOPHER L. MOORE,

Appellant.

DOCKET NUMBER WD76112

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: October 8, 2013

APPEAL FROM

The Circuit Court of Cooper County, Missouri
The Honorable Keith M. Bail, Judge

JUDGES

Division Two: Newton, P.J., and Mitchell and Witt, JJ.

CONCURRING.

ATTORNEYS

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Attorney for Respondent,

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Attorney for Appellant.



MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

AMANDA N. THOMAS,)
)
) **Respondent,**)
v.) **OPINION FILED:**
) **October 8, 2013**
CHRISTOPHER L. MOORE,)
)
) **Appellant.**)

WD76112

Cooper County

Before Division Two Judges: Thomas H. Newton, Presiding Judge, and Karen King Mitchell and Gary D. Witt, Judges

Christopher L. Moore (Father) appeals the trial court’s judgment modifying custody and child support. He claims that the trial court erred in awarding sole physical custody of the parties’ minor child to Amanda Thomas (Mother) because the record failed to support the trial court’s finding that the modification was in the child’s best interests. Father further claims that the trial court erred in ordering him to pay child support in the amount of \$432.00 because the trial court’s calculation of Mother’s gross monthly income was not supported by substantial evidence. We affirm the judgment of the trial court, as amended by this opinion, and remand for determination of whether the presumed child support amount, as amended, was rebutted by the evidence presented at trial as being unjust or inappropriate.

AFFIRMED IN PART; JUDGMENT AMENDED; REMANDED WITH DIRECTIONS.

Division Two holds:

- 1) While we find that the modification of custody was in the child’s best interests, we also note that because the trial court’s modification awarded significant periods of physical custody with each parent, the award is one of joint physical custody, not sole physical custody to Mother. The judgment shall be amended to reflect that Mother and Father are joint physical custodians.

- 2) The trial court did not err in not including Mother's monthly income from her secondary employment in its Form 14 child support calculation.
- 3) The trial court erred in finding that Mother earns \$2,222.00 in gross monthly income at her primary employment, as that amount is not supported by substantial evidence and is against the weight of the evidence. The evidence supports a finding that Mother's gross monthly income at the Tribune is \$2,500.00. The judgment shall be amended to reflect that Mother's gross monthly income is \$2,500.00.
- 4) The judgment shall be further amended to reflect that the presumed monthly child support award to Mother is \$410.00.
- 5) We remand the amended judgment reflecting the presumed child support award of \$410.00 to allow the trial court to determine, based on the evidence adduced at trial, if this amended child support award should be rebutted as being unjust or inappropriate after considering all relevant factors.

Opinion by: Karen King Mitchell, Judge

October 8, 2013

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.