

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

E.K.L. AND K.E.L.,

Respondents

v.

A.L.B.,

Appellant

DOCKET NUMBER WD79006

May 3, 2016

Appeal From:

Circuit Court of Henry County, MO
The Honorable James Kelso Journey, Judge

Appellate Judges:

Division Three
Gary D. Witt, P.J., James Edward Welsh, and Anthony Rex Gabbert, JJ.

Attorneys:

Aaron Schwartz, Overland Park, Kansas

Counsel for Appellant

Attorneys:

James Switzer, Clinton, MO

Counsel for Respondent

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

E.K.L. AND K.E.L., Respondents, v. A.L.B., Appellant.

WD79006

Henry County

Before Division Three Judges: Witt, P.J., Welsh, and Gabbert, JJ.

A.L.B. appeals from the circuit court's judgment terminating his parental rights to his daughter, K.R.B, without his consent and granting E.K.L.'s and K.E.L.'s petition to adopt K.R.B. The circuit court found, pursuant to section 453.040(7), RSMo 2000, that A.L.B. willfully abandoned and willfully neglected his daughter. A.L.B. contends that the evidence was insufficient to prove by clear, cogent, and convincing evidence that he willfully abandoned or willfully neglected this daughter.

Affirmed.

Division Three holds:

The record established that, before, during and after the six months preceding the filing of the adoption petition, A.L.B. provided absolutely no financial support, gifts, or cards for K.R.B. A.L.B.'s incarceration does not relieve him of the obligation to make at least minimal financial contributions for support of the child. Substantial evidence supported the circuit court's determination that A.L.B. willfully neglected K.R.B. for a period of at least six months immediately prior to the filing of the petition for adoption. The circuit court, therefore, did not err in finding that the adoption and resulting termination of A.L.B.'s parental rights was in K.R.B.'s best interests.

Opinion by James Edward Welsh, Judge

May 3, 2016

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