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IN THE FAMILY COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

In Re the Marriage of:	)	
	)	
SHAYNA HOLMES,	)	
	)	
Petitioner,	)	Cause No: 15SL-DR02693-01
	)	
v.	)	Division: 32
	)	
LONNIE HOLMES,	)	
	)	
Respondent.	)	

Serve Respondent at 1030 Keeven Lane, Florissant, MO 63031

PETITIONER'S MOTION TO MODIFY

COMES NOW Petitioner, SHAYNA HOLMES, by and through counsel, and for her Motion to Modify, alleges and states to the Court as follows:

1. This Court has jurisdiction over the parties and the subject matter herein.

2. Petitioner and Respondent have one minor child, namely [redacted] (Age 11) that is subject to this present cause.

3. On or about the 7th day of June, 2016, this Court entered its Judgment of Dissolution of Marriage (hereinafter "Judgment").

4. Said Judgment was subsequently modified on or about August 8, 2022 pursuant to Petitioner's relocation.

5. As part of the Judgment, the Court entered the following, inter alia.:

   a. Petitioner was awarded sole legal custody of the minor child;

   b. The Parties were awarded joint physical custody with Petitioner designated the residential parent for mailing and educational purposes; and

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c. During the school year, Respondent was awarded custody every other weekend Friday until Monday, as well as alternating Friday overnight. However, during the summer, the parties exchanged custody every seven (7) days.

6. Since the entry of Judgment, there have been changes in circumstances so substantial and continuing as to render the terms of the previous Judgment unreasonable with respect to physical custody such that a Modification Judgment should be entered to serve the best interests of the child.

7. The substantial and continuing change in circumstances undergone by the parties and the child include the following, inter alia:

a. That the weekend of November 10, 2023 was Respondent's custodial weekend. That the minor child went to her school counselor on November 13, 2023 and reported that her father threatened to "beat her ass" and told her to "shut the fuck up." Respondent then hit the minor child several times with a belt. When the minor child grabbed the belt to stop Respondent from hitting her again, he grabbed the belt and pinned her to the wall using his upper body. Father used all of his weight to hold the minor child down making it difficult for her to breathe;

b. That this incident was hotlined, and an investigation is currently pending;

c. That the minor child has several bruises as the result of the above incident and is fearful to return to his residence;

d. That the minor child has been experiencing panic attacks in advance of

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Respondent's custodial periods;

e. That the minor child was recently diagnosed with anxiety by her individual counselor;

f. That the minor child has been expressing a desire to not go to Respondent's residence and is frequently returned to Petitioner tearful and anxious from Father's custodial time;

g. That upon information and belief, Respondent frequently yells at the minor child, calls her names, argues with his significant other in the minor child's presence and discusses adult topics such as child support with the minor child;

h. That the minor child has conflict with Respondent's significant other; and

i. Because of the foregoing, Petitioner believes that pursuant to RSMO § 452.400.1, visitation with Respondent would endanger the minor child's physical health or impair her emotional development. Petitioner is requesting *inter alia* an award of sole physical custody, with Respondent receiving supervised visitation occurring at The Exchange Center.

8. The forgoing changes in circumstances are so substantial and continuing in nature as to require the Court to enter a Modification Judgment with respect to physical custody to serve the best interests of the child.

9. It would be in the best interest of the child that the Court modify the terms of the previous Judgment and, *inter alia*:

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a. Order Petitioner to have sole physical custody of the minor child subject to Respondent's periods of supervised visitation pursuant to Petitioner's Proposed Parenting Plan.

10. Petitioner has and will continue to incur attorneys' fees herein for which Respondent should be responsible for paying.

WHEREFORE, Petitioner prays for the following order of the Court to modify the previous Judgment and enter the following:

A. Order Petitioner to have sole physical custody of the minor child subject to Respondent's periods of supervised visitation pursuant to Petitioner's Proposed Parenting Plan;

B. Award Petitioner's attorney's fees and costs from Respondent; and

C. Award such other and further relief as this Court deems just and proper in these circumstances.

Respectfully Submitted,

FAMILY LAW PARTNERS

/s/ Jamie Emahiser

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STATE OF MISSOURI)
) SS
COUNTY OF St. Louis)

COMES NOW Petitioner, SHAYNA HOLMES, being duly sworn upon his oath and states the facts set forth in her Motion to Modify are true and correct to the best of her personal knowledge, information and belief.

Shayna Holmes
SHAYNA HOLMES
Petitioner

Subscribed and sworn to before me, a notary public, this 15 day of November, 2023.

Notary Public

My Commission Expires:
5-13-25

MEGAN R. PRICE
Notary Public, Notary Seal
State of Missouri
Franklin County
Commission # 21996548
My Commission Expires 05-13-2025

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