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

SHELBY HOOSE,	)	
	)	
Petitioner,	)	
	)	Cause No. 14SL-DR06984-03
vs.	)	
	)	Division No.
DR. ATTILA KERNER,	)	
	)	
Respondent.	)	

MOTION TO MODIFY

COMES NOW Respondent Dr. Attila Kerner, by and through undersigned counsel, and for his Motion to Modify, states as follows:

FACTS COMMON TO ALL ALLEGATIONS

1. On or about December 3, 2015, this Court entered a Judgment of Dissolution ("Judgment") in this matter.

2. On or about February 27, 2018, this Court entered a Judgment of Modification ("Modification") in this matter.

3. Pursuant to the Modification, the parties were awarded joint legal care, custody and control of the minor children of the parties, namely, [redacted] and [redacted].

4. Pursuant to the Modification, the parties were awarded the sum of $[redacted] per month as and for child support.

5. That since entry of the Modification, there has been a substantial and continuing change in circumstances relating to Petitioner and Respondent such that the current legal and physical custody order shall be modified.

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6. Pursuant to R.S.Mo. 452.745, this Court has exclusive, continuing jurisdiction over the determination of child custody.

COUNT I – SECTION 452.400 (VISITATION)

COMES NOW Respondent and for Count I of his Motion to Modify states as follows:

7. Respondent incorporates the allegations contained within the prior paragraphs of this Motion as fully alleged herein.

8. Pursuant to the Modification, the parties were awarded joint physical custody of the children.

9. Respondent states that physical custody of the minor children during the six months immediately preceding the filing of the Motion herein has been with both parties; the minor children now reside with both parties in St. Louis County; other than the Petition for Legal Separation and Motion to Modify has not participated in any capacity in any other litigation concerning the custody of the minor children in this State or any other; Respondent has no knowledge or information of any custody proceeding concerning the minor children pending in any Court of this State or any other; and Respondent has no knowledge of any person not a party to this proceeding who has physical custody of said minor children or claims to have custody or visitation rights with respect to said minor children.

10. Since the dates of the Judgment and Modification and pursuant to R.S.Mo. 452.400, the best interest of the minor children is an increased amount of visitation with Respondent.

11. The best interest of the minor children is a week on/week off schedule wherein the minor children would spend equal time with both parties.

12. The best interest of the minor children would also include an equal division of transportation responsibilities between the parents.

13. Accordingly, as a result of the above, Respondent prays that a new order be entered by this Court, increasing the amount of visitation with Respondent.

WHEREFORE, Respondent Dr. Attila Kerner prays for an Order modifying the Judgment of Modification dated February 27, 2018 such that the parties have equal physical custody time on a week on/week off schedule, and for such other and further relief as the Court deems just and proper.

COUNT II – SECTION 452.410 (LEGAL CUSTODY)

COMES NOW Respondent and for Count II of his Motion to Modify states as follows:

14. Respondent incorporates the allegations contained within the prior paragraphs of this Motion as fully alleged herein.

15. In particular, pursuant to the Modification, this Court found that it was in the best interests of the minor children that the parties have joint legal custody of the minor children and that major decisions be made by them jointly.

16. However, since the dates of the Judgment and Modification and pursuant to R.S.Mo. 452.410, a change has occurred in the circumstances of the minor children or their custodian that necessitates a modification to serve the best interests of the minor children.

17. Those changes are included but not limited to the following:

A. The Petitioner slanders Respondent in public, to the school, to the children's activities, and on social media.
B. The Petitioner slanders Respondent to the minor children.
C. Petitioner demonstrates outrageously bad behavior in front of the minor children.
D. Petitioner attempts to alienate the minor children from Respondent.

18. Accordingly, as a result of the above, Respondent prays that a new order be entered by this Court, modifying the legal custody of the minor children in favor of Respondent and that a specific written plan regarding legal custody which details how the decision-making rights and responsibilities will be shared between the parties include the following:

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A. Educational decisions and methods of communicating information from the school to both parties;

B. Medical, dental and health care decisions including how health care providers will be selected and a method of communicating medical conditions of the children and how emergency care will be handled;

C. Extracurricular activities, including a method for determining which activities the children will participate in when those activities involve time during which each party is the custodian;

D. Childcare providers, including how such providers will be selected;

E. Communication procedures including access to telephone numbers as appropriate;

F. A dispute resolution procedure for those matters on which the parties disagree or in interpreting the parenting plan;

G. If a party suggests no shared decision-making, a statement of the reasons for such a request; and/or

H. Any other additional details how the decision-making rights and responsibilities will be shared between the parties.

19. Accordingly, as a result of the above, Respondent prays that a new order be entered by this Court, modifying the legal custody of the minor children in favor of Respondent.

WHEREFORE, Respondent Dr. Attila Kerner prays for an Order modifying the Judgment of Modification dated February 27, 2018 such that sole legal custody of the minor children should be awarded in favor of Respondent, and for such other and further relief as the Court deems just and proper.

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STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

Dr. Attila Kerner, of lawful age, being first duly sworn upon his oath, states that he is the movant in the above listed Motion to Modify, that he has read the same, and the facts stated herein are true to the best of his knowledge, information and belief.

A Kerner

Dr. Attila Kerner

On this 11 day of December, 2023, before me personally appeared Dr. Attila Kerner to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Candy K. Wyman
Notary Public
My Term Expires: Jan 5, 2027

CANDY K. WYMAN
Notary Public - Notary Seal
St. Louis City - State of Missouri
Commission Number 15632471
My Commission Expires Jan 5, 2027

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