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

In re the Matter of:	)	
DUSTY L. LASSEN,	)	
Petitioner,	)	Cause No. 20SL-DR01448-02
and	)	Division: 32
JESSICA A. NOVARA f/k/a JESSICA A. LASSEN,	)	
Respondent.	)	

PETITIONER'S MOTION TO MODIFY

Comes now Petitioner, DUSTY L. LASSEN, by and through his attorneys, and for Petitioner's Motion to Modify Judgment of Dissolution of Marriage, states and alleges as follows:

1. On June 8, 2020, this Court entered its Judgment of Dissolution of Marriage ("Judgment") dissolving the marriage on terms agreed upon by both parties.

2. Under the terms of the Judgment, the parties were awarded joint physical and legal custody of their two children, [redacted]. The parties exercised equal custody pursuant to a 2-2-5-5 schedule, with Petitioner ("Father") having every Monday and Tuesday and Respondent ("Mother") having every Wednesday and Thursday with the weekends rotating.

3. Under the terms of the Judgment, Mother was named the residential parent for mailing and educational purposes.

4. Under the terms of the Judgment, Father's family or extended family was not [redacted]

5. Under the terms of the Judgment, prior to the start of each school year, the parties were to convene and agree in writing regarding whether the minor children would attend private

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school. If the parties agreed the minor child would attend private school, Father was to pay 100% of said costs, unless otherwise agreed to, in writing. Since the entry of the Judgment, the minor children have attended [redacted].

6. When the original proceedings commenced in June 2020, Mother resided at [redacted] In March 2022, Mother relocated to [redacted]. In January 2023, Mother relocated again to [redacted]. All of Mother's relocations were not in compliance with Mo. Rev. Stat. 452.377. For example, on Mother's recent relocation to [redacted] Father's first notification from Mother that she was moving was a text message to drop the children off at her new address for that weekend's custody exchange.

7. Most recently, in April 2023, Mother filed a Motion to Modify, after her second relocation in less than three years, requesting, in part, that the minor children be enrolled in public school her in new school district. Shortly after the filing of her Motion to Modify, Mother notified Father that she was divorcing her current husband and was again relocating to [redacted]. On May 26, 2023, Mother dismissed her Motion to Modify without prejudice.

8. The minor children have been enrolled in [redacted] since the entry of the Judgment. At all times, until recently, Mother has made clear she wanted the children to remain at [redacted] or to continue in a catholic school if [redacted] were to close. For example, in November 2022, Mother texted Father: "*We should probably start thinking about where the girls will go to school in the event* [redacted] *closes. [...] I feel another Catholic school, versus a public school, would make the transition easier for them.*" When Father asked Mother if [redacted] was a consideration for her, Mother responded, "*It wasn't. It's an excellent district, but I think the girls –* [redacted] *especially – will*

have a hard time if [redacted] *closes. Another Catholic school seemed like the easiest transition.*" However, Mother's recent Motion to Modify and subsequent communications with Father suggest that Mother wants to remove the children from [redacted] and enroll them in public school.

9. Since the entry of the Judgment, there have occurred substantial and continuing changes in the circumstances of the children and the parties such that a modification of the Judgment is necessary to serve the children's best interests and welfare. The changed circumstances include, but are not necessarily limited to the following:

10. The substantial and continuing changes in circumstances include, but are not limited to the following:

(a) Mother has relocated her residence on several separate occasions since the original proceedings commenced, without ever complying with the requirements of the Judgment and § 452.377 RSMo. Mother's frequent moves do not allow for stability and consistency for the minor children.

(b) Mother's voluntary relocation of her residence repeatedly, without proper notice, has caused the children unnecessary instability while in the care of Mother.

(c) The minor children have been enrolled in [redacted] since the entry of the Judgment. The current provision that the parties meet and convene each year to discuss whether the minor children will be re-enrolled creates uncertainty and anxiety with the minor children. It is in the best interests of the minor children to remain at [redacted] until the children complete eighth grade to allow the children consistency and continuity of education through middle school.

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(d) In order to allow reasonable interaction with the children's step-siblings and half-siblings, as well as to allow appropriate one-on-one time with the children and Mother and Father, the current custody schedule should be modified to a week on/week off schedule.

(e) The minor children have a close, special and loving relationship with Father's family and extended family. The minor children are safe and feel comfortable around Father's entire family and it is in the minor children's best interest to [redacted]

(f) Mother and Father have been communicating, by agreement, on Our Family Wizard. It is in the best interest of the minor children to formalize this agreement in a new Parenting Plan.

11. As a result of the above and the other facts and circumstances to be proven at trial, all of which constitute substantial and continuing changes in circumstances, the current Parenting Plan is not in the best interests of the minor children. It is in the best interests of the minor children for a new Parenting Plan to be entered which allows the minor children to attend [redacted] through eighth grade, allows the minor children to have contact with Petitioner's family [redacted] names Petitioner as the residential parent for educational and mailing purposes, modifies the schedule to week-on week-off in the summer, as well as all other terms and provisions as set forth in Petitioner's Proposed Parenting Plan, to be filed by Petitioner.

12. Father has not participated in any capacity in any other litigation concerning the custody of the children, and he knows of no persons not parties hereto who have or claim to have custody or visitation rights with respect to the children.

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WHEREFORE, Petitioner prays the Court to enter its modification judgment, modifying the Parenting Plan to allow the minor children to attend [redacted] through eighth grade, allowing the minor children to have contact with Petitioner's family [redacted], naming Petitioner as the residential parent for educational and mailing purposes, switching the custody schedule, and all other terms and provisions as set forth in Petitioner's Proposed Parenting Plan, to be filed by Petitioner; and granting such other and further relief as the Court deems just and proper under the circumstances.

CARMODY MACDONALD PC

By _____

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DUSTY L. LASSEN
Petitioner

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

DUSTY L. LASSEN, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he is the Petitioner named above, and that the information contained in the foregoing Motion to Modify is true and correct to the best of his knowledge, information and belief.

In witness whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, on this 22 day of August, 2023.

Notary Public

My Commission Expires:

MELISSA K. SWAN
MY COMMISSION EXPIRES
9-14-2025
NOTARY SEAL
#13514851
ST. CHARLES COUNTY
NOTARY PUBLIC, STATE OF MISSOURI