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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
FAMILY COURT DIVISION

In re the Marriage of:	)	
	)	
Lindsay N. Orr,	)	Case No. 21SL-DR05912
Petitioner,	)	
	)	
and	)	
	)	
William M. Orr,	)	Division No. 65
	)	
Respondent.	)	

RESPONDENT'S MOTION TO ABATE CHILD SUPPORT

Comes now Respondent, William M. Orr, by and through his attorney of record, and for his Motion to Abate Child Support states to the Court as follows:

1. On or about October 31, 2022, the Court entered a Judgment of Dissolution of Marriage ("Judgment"), dissolving the marriage of Petitioner and Respondent.

2. Pursuant to the Judgment, the Court awarded the parties joint legal custody and joint physical custody of the minor children, [redacted] now age [redacted] years, Social Security Number [redacted] [redacted] now age [redacted] years, Social Security Number [redacted] and [redacted] now age [redacted] Social Security Number [redacted] with Petitioner designated as the residential custodian for mailing and educational purposes.

3. Pursuant to the Judgment, the Court ordered Petitioner pay to Respondent the sum of $1,327.00 per month as and for child support, pursuant to Parenting Plan Part B which was incorporated into the Judgment as if fully set forth therein.

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4. Petitioner resides at [redacted] she is employed; and her Social Security Number is [redacted]

5. Respondent resides at [redacted] he is employed; and his Social Security Number is [redacted]

6. On or about December 25, 2022, Respondent exercised physical custody time with the minor children for Christmas. The minor children refused to stay longer with Respondent and left early that night at 8:30 pm to return home to Petitioner. Since that date, the minor children refuse to go with Respondent during any of his physical custody time set forth in the Judgment.

7. Section 452.340.7 RSMo states, "The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court shall also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court costs incurred by the prevailing party."

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8. Respondent asserts that Petitioner has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to Respondent pursuant to the terms of their Judgment of Dissolution of Marriage.

9. By operation of Section 452.340.7, the Court may abate, in whole or in part, Respondent's obligation to pay child support to Petitioner beginning January 1, 2023 to the present date.

Wherefore, Petitioner prays that:

A. The Court abate Respondent's obligation to pay child support to Petitioner retroactive to January 1, 2023;

B. That said abatement remain in force so long as Petitioner has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to Respondent pursuant to the terms of their Judgment of Dissolution of Marriage; and

C. For such other relief as to the Court shall seem just and proper in the premises.

The Marks Law Firm, L.L.C.

By: /s/Jonathan D. Marks

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State of Missouri)
) ss.
County of St Louis)

William M. Orr, of lawful age, being duly sworn on his oath, states that he is the Respondent in the above-titled matter and that the facts and averments stated therein are true according to his best knowledge and belief.

William M. Orr

Subscribed and sworn to before me this 26th day of September 2023.

My commission expires:

2-10-2024

Notary Public

JESSICA ADAMS
Notary Public, Notary Seal
State of Missouri
St. Louis County
Commission # 20141963
My Commission Expires 02-10-2024

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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2023 a copy of the foregoing was sent through the Missouri eFiling system to the registered attorneys of record and to all others by facsimile, hand delivery, electronic mail, or U.S. mail postage prepaid to their last known address.

By: /s/Jonathan D. Marks

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