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IN THE TWENTY FIRST JUDICIAL CIRCUIT
COUNTY OF ST. LOUIS, STATE OF MISSOURI

IN RE: THE MARRIAGE OF:	)	
[redacted]	)	
	)	Cause No. 09SL-DR03797-03
Petitioner,	)	Division 32
v.	)	
[redacted]	)	
Respondent.	)	

SUGGESTIONS IN OPPOSITION TO AFFIDAVIT OF TERMINATION OF SUPPORT

[redacted], by and through counsel Denise N. Gabel and Marler Law Partners, and submits the following Suggestions in Opposition to Affidavit of Termination of Support:

1. On September 27, 2010, this Court entered its Judgment of Dissolution of Marriage, issuing orders regarding the custody and support of the Parties' children, including [redacted]

2. The dissolution judgment orders [redacted] to $742 per month in child support to [redacted] when three children are eligible for support, $630 per month in child support when two children are eligible for support, and $170 per month in child support when only one child remains eligible for support.

3. The dissolution judgment orders [redacted] to have custody time with [redacted] then age 20, as follows: "[redacted] shall have custody of [redacted] on Tuesday and Wednesday nights from 4:00 pm on Tuesday until school begins or 9:00am on Thursday each week and every other weekend from 4:00 pm on Friday until 4:00 pm on Sunday."

4. In regard to the emancipation of [redacted] the dissolution judgment orders "The parties agree [redacted], though not a child, is and remains unemancipated. The child support pursuant to the terms of this Parenting Plan shall continue."

5. On December 29, 2014, this Court entered its Family Court Modification Judgment modifying the custody order for another child of the marriage and ordering [redacted] to continue to pay $170 per month in child support for [redacted] then age 25.

6. On August 17, 2023, [redacted] filed an Affidavit of Termination of Child Support, alleged that [redacted] s no longer eligible for support. In said affidavit [redacted] makes no allegations related to [redacted]. As [redacted] reason for emancipation of [redacted] states "Respondent is no longer working due to disability."

7. A child support order shall be deemed terminated without further judicial process "when a parent paying child support files a sworn statement of affidavit … stating that the child is emancipated and reciting the factual basis for such statement."

8. [redacted] Affidavit of Termination is ineffective under the law because [redacted] s not a parent paying child support, and [redacted] fails to make any factual allegation supporting the conclusion that [redacted] s no longer eligible for support under the law. See § 452.340.12, RSMo.

9. [redacted] is not self-supporting, requires ongoing care, and still eligible for child support under § 452.340.3, RSMo.

10. Upon information and belief, [redacted] has filed her Affidavit of Termination solely for the purpose of depriving [redacted] of an opportunity to maintain a relationship with [redacted]

WHEREFORE, Respondent [redacted] espectfully requests that this Court dismiss, and/or deny, [redacted] Affidavit of Termination, and for further relief as this Court deems just and proper.

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Respectfully submitted,

MARLER LAW PARTNERS
Attorneys for Respondent/[redacted]
/s/ Denise N. Gabel
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STATE OF MISSOURI)
) SS.
COUNTY OF St. Louis)

COMES NOW [redacted] being of lawful age and after being duly sworn, states [redacted] has read the foregoing document, and the facts stated therein are true and correct according to the best of [redacted] knowledge, information and belief.

[redacted]

Subscribed and sworn to before me, a Notary Public, this 25th day of September 2023.

Denise Gabel
Notary Public

My Commission Expires:

DENISE GABEL
My Commission Expires
08-22-2025
NOTARY SEAL
St. Louis County
Commission # 21778214
NOTARY PUBLIC - STATE OF MISSOURI

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