

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI
AT PLATTE CITY

JAN 17 2018

IN RE THE MARRIAGE)
)
OF LC)
) Case No.:
)
Petitioner,)
)
and) Division IV
)
)
JR)
)
Respondent.)

JUDGMENT OF MODIFICATION OF CHILD SUPPORT

On the 15th day of December, 2017, the Court took up Petitioner's Motion to Modify Child Support filed on May 2, 2017; Respondent filed her Cross Motion for Custody Modification on August 7, 2017; the parties agree that no modification of the previously ordered custody arrangement is required; the Petitioner appeared in person, pro se; and Respondent appeared in person, pro se; and the minor child, [REDACTED] appeared by his Guardian ad Litem, JD. The Court having considered the pleadings, having heard the evidence and testimony; and being fully advised in the premises takes the matter under advisement.

Now on this 17th day of January, 2018, the Court makes the following findings, orders and judgments:

1. The Court has jurisdiction over the parties and the subject matter.
2. That the parties' marriage was dissolved by Judgment of this Court on April 18, 2011.
3. That there was one child born of the marriage, namely, [REDACTED] currently thirteen (13) years old.

4. That the original Order dissolving the marriage of the parties was entered by this Court on April 18, 2011, whereby the parties were awarded joint legal and physical custody of the minor child, with Respondent's address designated for mailing and educational purposes. Respondent was ordered to pay child support in the amount of \$700.00 per month.

5. Since the entry of the April 18, 2011, Judgment Decree of Dissolution of Marriage, there have been changed circumstances of the minor child and the custodians, so substantial and continuing that the best interests of the minor child requires a modification of the terms of the original decree.

6. That based upon the parties respective incomes, the Court finds that the presumed child support amount, as calculated by the parties, pursuant to Section 452.340.8 R.S.Mo., Supreme Court Rule 88.01 and Civil Procedure Form No. 14 is No Dollars (\$0.00) per month; and that after consideration of all relevant factors pursuant to Section 452.340.8 and Rule 88.01, is rebutted as being unjust or inappropriate in that the parties have agreed that due to each parties parenting time with the child, the Petitioner's limited income, and that Petitioner will provide transportation for the minor child's parenting time with Respondent, the Petitioner will pay to Respondent the amount of Three Hundred Fifty Dollars (\$350.00) per month, and the Court finds that it is a reasonable amount. That Petitioner shall pay to Respondent child support in the amount of Three Hundred Fifty Dollars (\$350.00) per month retroactive to May 2, 2017, and on the like date of each month thereafter until further order of the Court. Said payments shall be paid by wage assignment to the Family Support Payment Center, as trustee, for remittance to Respondent.

7. That on September 1, 2017, the Court appointed JD as the Guardian Ad Litem to represent the best interests of the minor child. Pursuant to the Order for

Appointment, Petitioner and Respondent were each ordered to deposit the sum of \$500.00 as security to be applied towards the Guardian Ad Litem fees.

a. That Respondent, JR, has deposited \$500.00 as Guardian Ad Litem fees as ordered by the Court.

b. That Petitioner, LC, has deposited \$100.00 as Guardian ad Litem fees as ordered by the Court.

c. That the Guardian Ad Litem has billed 3.8 hours to date at a rate of \$175.00 per hour, and .6 hours paralegal rate of \$95.00 per hour, and the Guardian Ad Litem's fee to date is \$722.00.

d. That the Guardian Ad Litem fees are reasonable, fair, and were earned in representing the minor child, and the Guardian Ad Litem provided a valuable service to the Court;

8. The parties agree to communicate via email and text messaging with each other, and not through the minor child.

9. The Petitioner agrees to call the Respondent or use a designated driver when imbibing alcohol.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

A. That based upon the parties respective incomes, the Court finds that the presumed child support amount, as calculated by the parties, pursuant to Section 452.340.8 R.S.Mo., Supreme Court Rule 88.01 and Civil Procedure Form No. 14 is No Dollars (\$0.00) per month; and that after consideration of all relevant factors pursuant to Section 452.340.8 and Rule 88.01, is rebutted as being unjust or inappropriate in that the parties have agreed that due to each parties parenting time with the child, and the Petitioner's limited income, the Petitioner will pay to Respondent the amount of Three Hundred Fifty Dollars (\$350.00) per month, and the Court finds

that it is a reasonable amount. That Petitioner shall pay to Respondent child support in the amount of Three Hundred Fifty Dollars (\$350.00) per month commencing on May 2, 2017, and on the like date of each month thereafter until further order of the Court. Said payments shall be paid by wage assignment to the Family Support Payment Center, as trustee, for remittance to Respondent.

F. The Circuit Clerk may release all funds held as security for the Guardian ad Litem, to the Guardian ad Litem, JD.

G. The Guardian ad Litem is awarded a money judgment, jointly and severally, against Petitioner, LC, and Respondent, JR, in the amount of One Hundred Twenty Two Dollars (\$122.00).

H. This Judgment for Guardian Ad Litem fees is in the nature of support of a minor child under Section 523 (a)(5) & (15) of the Bankruptcy Code as amended, and under Missouri Revised Statute 314.430 and Missouri Revised Statute 513.440 and shall not be dischargeable. In default thereof, let execution issue.

I. In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the Court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The Circuit Clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file.

J. Each party shall pay their own attorney's fees.

K. Costs are assessed against Petitioner.

L. All other terms of the Judgment Decree of Dissolution not modified herein are to remain in full force and effect.

IT IS SO ORDERED.

January 17, 2018
Date

