



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

ANGELA FREINER,	)	
	)	
Petitioner,	)	Case No: 14SL-DR02617-01
	)	
vs.	)	Division: 31
	)	
JAMES JUDY,	)	
	)	
Respondent.	)	

**PETITIONER'S CROSS - MOTION TO MODIFY CHILD CUSTODY**

COMES NOW Petitioner Angela Freiner, by and through her attorney, John R. Fenley and for her Cross-Motion to Modify and states to the Court the following:

1. On or about May 18, 2015 this Court entered a Judgment and decree of dissolution of marriage and incorporated the parties agreed upon parenting plan by reference. The parties were granted joint legal and joint physical custody of the parties' one (1) minor child with Petitioner being designated as residential parent for schooling purposes.
2. Child Support was ordered to be paid by Respondent to Petitioner in the amount of \$277 per month, pursuant to the Form 14.
3. Respondent was ordered to cover the child on his health insurance plan.
4. The parties entered a parenting plan with Petitioner being designated as the residential parent and gave each parent specific periods of custody. Petitioner was given the right to claim the child on her taxes each year.
5. Petitioner resides at 8547 Pilot Avenue, St. Louis, MO 63123 and the last four digits of her social security number are xxx-xx-2720. Respondent resides at 111 Michael Grove Avenue, Bozeman, MT 59718 and the last four digits of his social security number are xxx-xx-1746.
6. Since this Court's Judgment entered on May 18, 2015 there have been changed and continuing circumstances affecting the minor child and the parties so substantial that a modification is necessary to serve the best interest of the child and the parties, including but not limited to the following:

- a. Respondent has relocated his residence without notifying the Petitioner.
  - b. Respondent and his wife returned to St. Louis after Respondent's custody period had expired for the summer and took the parties' minor child back to Respondent's home in Montana, against the wishes of the Petitioner and during Petitioner's period of custody.
  - c. During the Respondent's period of unauthorized custody, Petitioner was unaware of Respondent's and the minor child's whereabouts and exhausted considerable resources in order to recover the parties' minor child from the Respondent and his wife from Montana and return to St. Louis with the minor child.
  - d. The Respondent has been untruthful and deceitful with Petitioner regarding his intentions to pick up the parties' minor child during Respondent's authorized time with the minor child and during periods of time when the minor child is supposed to be with the Petitioner.
  - e. Respondent's wife threatens the minor child with taking phone privileges away from the minor child, so that the minor child would be unable to contact Petitioner.
7. At the time of filing of this motion to modify the parties' minor child resides primarily with the Petitioner and at her respective residence.
  8. The minor child has lived, within the past six months, with Petitioner at 8547 Pilot Avenue, St. Louis, MO 63123 and with Respondent at 111 Michael Grove Avenue, Bozeman, MT 59718.
  9. The Court has jurisdiction over the child herein under the Uniform Child Custody Jurisdiction Act, Section 452.440 et seq. RSMo, because for the past six months, the child has resided in the custody of Petitioner and Respondent.
  10. Petitioner has no information of any custody proceeding concerning said minor child pending in a court of this or any other state.
  11. The parties have not participated in any capacity in any other litigation concerning the custody of the minor child in this or any other state other than the original dissolution action.

12. Petitioner knows of no other person not a party to this proceeding who has physical custody of said minor child or who claims to have custody or visitation rights with respect to said minor child.
13. That it is in the best interest of the parties' minor child that the previous custody Judgment be modified with the parties' custody schedule being amended to award Petitioner sole legal and physical custody of the parties' minor child.
14. Petitioner will submit her parenting plan at a later date.
15. Petitioner is capable of earning a substantial wage but is unable to support the minor child without contribution from Respondent. Respondent is capable of earning a substantial wage and is able to contribute to the support of the minor child.
16. Petitioner has incurred and will incur attorney fees in bringing this Motion as well as court costs. Petitioner requests Respondent be ordered to pay these.

WHEREFORE, Petitioner prays for an order of this Court modifying the custody judgment; incorporating a new parenting plan awarding the Petitioner sole legal and physical custody of the minor child and appointing Petitioner the residential parent of the child; order Respondent have specific periods of visitation; order child support pursuant to the Form 14; order Respondent be responsible for attorney fees and costs of litigation in this matter, and for whatever and further orders this Honorable Court deems just and proper in the premises.

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

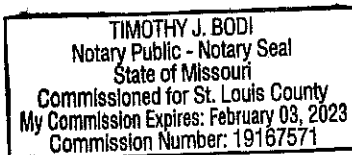
The undersigned, being duly sworn upon his oath, deposes and states that the facts and matters stated in the foregoing are true and correct, according to his best knowledge, information, and belief.

  
Angela Freiner

Subscribed and sworn to before me this 19 day of June 2019.

  
NOTARY PUBLIC

My Commission Expires:



Respectfully submitted,  
REINKER, HAMILTON & PIPER, L.L.C.

/s/ John R. Fenley  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that an exact copy of the foregoing was served through the court's electronic filing system on the 19<sup>th</sup> day of June 2019 to Kathleen Shaul, Attorney for Respondent, at Law@KShaul.com.

/s/ John R. Fenley