

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

<b>ANGELA M. FREINER</b>	)	
	)	
<b>Petitioner,</b>	)	
<b>vs.</b>	)	<b>Cause Number: 14SL-02617-01</b>
	)	
<b>JAMES S. JUDY</b>	)	
	)	<b>Division: 31</b>
<b>Respondent.</b>	)	
<b>Special Process Server Requested:</b>	)	

**RESPONDENT’S MOTION TO MODIFY**

COMES NOW, Respondent, James S. Judy, hereinafter “Father” and for his Motion to Modify, states to the Court as follows:

1. This Court entered its Paternity Judgment (“Judgment”) on or about May 20, 2015\_ wherein, *inter alia*, the parties were awarded the joint legal custody and joint physical custody of their minor child, Dalilah Judy, now age 14 years.
2. On April 29, 2019, Father filed his motion to modify requesting that he be awarded designation as the residential parent of the parties’ minor child.
3. On August 20, 2020, this court entered its Judgment of Modification (“Modification Judgment”) granting Father’s motion and incorporating the Court’s Parenting Plan Part A designating Father as the residential parent of the minor child and outlining periods of visitation between the child and Petitioner, hereinafter “Mother.”
4. Subsequently, the minor child moved to the residence of Father in the state of Montana, enrolled in and attended school in the state of Montana from Father’s residence, and developed social and interactive relationships with her peers.

5. In accordance with Section 452.780 RSMo., Father further states that the following information is true and correct, to his best knowledge and belief, as to the minor child:
6. The minor child's present address is 111 Michael Grove Avenue, Bozeman, MT 59718-1852;
7. Father has not participated as a party or witness or in any other capacity in any other proceeding concerning the custody or visitation of the minor child in this or any other state except the instant case and 20SL-PN02067;
8. Father has no knowledge of any proceeding that could affect the current proceeding in this or any other state;
9. Father has no knowledge of any person, not a party to this proceeding, who has physical custody or claims to have rights of legal custody, physical custody, or visitation with respect to the minor child.
10. Since the entry of the Modification Judgment, there have been changes to the circumstances of the parties and the minor child to cause modification of said judgment to be necessary. Said changed circumstances include, but are not limited to:
  - a. Mother continues with attempts to alienate the minor child from Father insofar as Mother has steadfastly refused to return the minor child to Father in Montana after the parties agreed to Christmas visitation between Mother and the minor child in Missouri. Further, Mother's refusal to return the minor child to Father is in contumacious disregard and contempt of this Court's Modification Judgment;
  - b. Due to Mother's refusal to return the minor child to Father, the minor

child was absent from her schooling, from her peers, and from her home with Father, all to the detriment of the well-being and best interests of the minor child;

- c. Police involvement has historically been required for the enforcement of this court's orders and judgment and for the return of the child to Father's custody because of Mother's failure to abide thereby;
- d. Mother continues to thwart a father/daughter relationship between Father and the minor child by demeaning Father to the minor child and others, encouraging the minor child to shun and disrespect Father, and by allowing the minor child to ignore Father's attempts to contact the minor child while the minor child is with Mother, and by teaching the minor child that court orders should be ignored stating, *inter alia*, "screw the court system";
- e. Mother's actions to alienate the minor child from Father have been ongoing since prior to this Court's Modification Judgment and have continued and escalated since said Judgment;
- f. While the minor child is in Father's custody, Mother telephones the minor child many times per day without concern for the child's schedule or the family's routine;
- g. Mother disparages Father during said calls and uses profanity and inappropriate language causing the minor child emotional distress;
- h. Mother has made false allegations of child abuse or neglect and has contacted Montana Child Protective Services resulting with the parties' child and Father and his wife being interviewed and subjected to an

investigation based on Mother's false allegations;

- i. Mother traveled to Montana to exercise visitation with the minor child but refused to advise Father of the child's whereabouts and refused to timely return the child to Father's custody necessitating police involvement in Montana;
- j. Mother has repeatedly refused to co-parent with Father and she historically and presently engages in actions that openly demonstrate her contempt and lack of respect for Father and for this Court's judgments;
- k. Mother refuses to exercise the joint legal and joint physical custody of the minor child pursuant to the Parenting Plan incorporated into the Modification Judgment, or otherwise. Mother acts with abandon, does as she pleases regarding the legal and physical custody of the minor child, and continues a course of action designed to dismiss Father from the life of the minor child;
- l. Further, Mother's contumacious actions are designed by her to cause Father to expend unnecessary sums for travel expenses, airline tickets and attorney's fees;
- m. It is increasingly apparent that Mother will continue to refuse to exercise joint legal and physical custody of the minor child with Father.

11. It is in the best interests of the parties and the minor child that Respondent be awarded the sole legal and sole physical custody of the minor child with supervised visitation being awarded to Petitioner.

12. It is in the best interests of the parties and the minor child that child support be modified awarding to Father child support payable by Mother in accordance

with Rule 88.01 Form 14.

13. Respondent is without sufficient income or assets to pay his attorney's fees and costs herein necessitated by the actions of Petitioner.

14. Petitioner is able-bodied and is with sufficient assets and is earning, or is capable of earning, a sufficient income enabling her to pay Respondent's attorney's fees and the costs of this action.

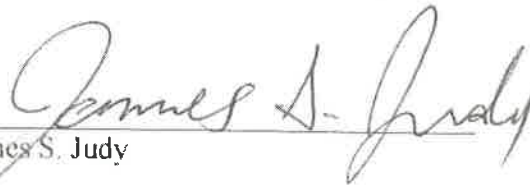
WHEREFORE, Respondent prays this Court hear and determine this cause and, upon such hearing, award to Respondent the sole legal and sole physical custody of the parties' minor child with certain periods of supervised visitation being awarded to Petitioner; order that child support be modified awarding to Father child support payable by Mother in accordance with Rule 88.01, Form 14; order that Petitioner pay Respondent's attorney's fees and costs incurred herein; and for such other and further orders as to this Honorable Court may seem just and proper in the premises.

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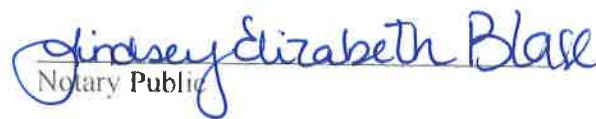
  
James S. Judy

STATE OF MONTANA     )  
  ) SS  
COUNTY OF GALLATIN   )

James S. Judy, the Respondent herein, being duly sworn upon his oath, deposes and states that the facts contained in the foregoing are true and correct according to his best knowledge, information and belief.

  
James S. Judy

Subscribed and sworn to before me this 14th day of January, 2021.

  
Notary Public

My commission expires: 6/26/24



Respectfully submitted by:

  
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