

PETITIONER’S MOTION TO MODIFY

COMES NOW, PETITIONER, Angela M. Freiner, hereinafter "Mother" and for her Motion to Modify, states to the Court as follows: 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 custody of their minor child, Dalilah Judy, now age 14. years.

1. On April 29, 2019, Respondent, hereinafter “Father” filed his motion to modify requesting that he be awarded designation as the residential parent of the parties' minor child. 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 Mother. Subsequently, the minor child moved to the residence of her Father in the state of Montana, Minor Child is enrolled in and attended school in the state of Montana from Father's residence

In accordance with Section 452.780 RSMo., Mother further states that the following information is true and correct, to her best knowledge and belief, as to the minor child:

The minor child's present address is 8547 Pilot Ave, St. Louis, Mo. 63123 and 111 Michael Grove Avenue, Bozeman, MT 59718-1852;

1. Mother 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 SI14-DR0261701-01 (02), 21SL-DR00544

2. Mother has no knowledge of any proceeding that could affect the current proceeding in this or any other state; 3. Mother 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.

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:

1. Father continues with attempts to alienate the minor child from Mother insofar as Father has steadfastly refused to allow the minor child to visit Mother in Missouri after the Court's Modification Judgment. Father's refusal to allow the minor child to visit Mother is in contumacious disregard and contempt of this Court's Modification Judgment;
2. Child was forced to be absent from her family, peers, her dog and from her home with Mother, all to the detriment of the well-being and best interests of the minor child;
3. St. Louis County Police have been sent by Father to Mother's home on three (3) separate occasions at Father's request by telephone. The second of these recorded on video, included six (6) Police officers and began by their stating that they were "Not leaving without Child", which they did in fact do, which is no surprise considering there was no plan in place of what was to be done with Child, after removal from her Mother's home, and considering her Father was at the time in Bozeman, MT. Police involvement has historically been used without need by Father for not only the enforcement of this court's orders and judgment, but mainly with the objective of an ongoing attempt to slander Mother, and attempt to lend credibility to his many baseless attacks on Mother's character

Father continues to thwart a mother/daughter relationship between Mother and the minor child by demeaning Mother to the minor child and others, encouraging the minor child to shun and disrespect Mother

Father's actions seeking to alienate the minor child from Mother have been ongoing since prior to this Court's Modification Judgment and have continued and escalated since said Judgment;

While the minor child is in Mother's custody, Father telephones the minor child many times per day without concern for the child's schedule or the family's routine.

Father spends a disproportionate percent of the time disparaging Mother during said calls and uses profanity and inappropriate language causing the minor child emotional distress;

Father has been improperly touching minor child, the minor child reported that her father had been touching her to the School Counselor and they in turn contacted the Montana Child Protective Services resulting with the child being interviewed and subsequent of the Father's action towards the minor child, which remains .

Due to Father's refusal to allow the minor child to visit with Mother, the minor child was absent from her family, peers, her dog and from her home with Mother, all to the of the well-being and best interests of the minor child;

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Mother traveled to Montana to exercise visitation with the minor child, but Father refused to allow the child to go with the Mother, necessitating police involvement in Montana; to be able to exercise her rights.

Father has repeatedly refused to co-parent with Mother and he historically and presently engages in actions that openly demonstrate his contempt and lack of respect for Mother and for this Court's judgment.

Father 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. Father acts with abandon, does as he pleases regarding the legal and physical custody of the minor child, and continues a course of action designed to dismiss Mother from the life of the minor child;

Further, Father's contumacious actions are designed by him to cause Mother to expend unnecessary sums for travel expenses, airline tickets and attorney's fees;

It is increasingly apparent that Father will continue to refuse to exercise joint legal and physical custody of the minor child with Mother. It is in the best interests of the parties and the minor child that Mother be awarded the sole legal and sole physical custody of the minor child with supervised visitation being awarded to Father, especially given the unresolved question and investigation as to the alleged abuse of sexual nature by Father reported by Child.

It is in the best interests of the parties and the minor child that child support be modified awarding to Mother child support payable by Father, in accordance with Rule 88.01 Form.

Mother is without sufficient income or assets to pay her attorney's fees and costs herein necessitated by the actions of Father.

Respondent is able-bodied and is with sufficient assets and is or is capable of earning, or 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. Father acts with abandon, does as he pleases regarding the legal and physical custody of the minor child, and continues a course of action designed to dismiss Mother from the life of the minor child;

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Mother is without sufficient income or assets to pay her attorney's fees and costs herein necessitated by the actions of Father.

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

WHEREFORE, Petitioner prays this Court hear and determine this cause and, upon such hearing, award to Mother the sole legal and sole physical custody of the parties' minor child with certain periods of supervised visitation being awarded to Respondent; order that child support be modified awarding to Mother child support payable by Father in accordance with Rule 88.01, Form 14; order that Respondent's pay Petitioner 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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Angela M Freiner
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was via emailed to all parties this 19th day of February 2021 to: Kathleen E. Shaul Law Offices ,Venus Jackson, Ricky Bell, V. Harry via email

