

**Commonwealth of Kentucky**

**Court of Appeals**

NO. 2014-CA-002058-ME

JAMARR K. LEONARD

APPELLANT

v.

APPEAL FROM FRANKLIN CIRCUIT COURT  
HONORABLE SQUIRE WILLIAMS, III, JUDGE  
ACTION NO. 11-CI-00299

CHERE M. CARTER

APPELLEE

OPINION  
VACATING AND REMANDING

\*\* \*\* \* \* \* \* \*

BEFORE: ACREE, CHIEF JUDGE; CLAYTON AND KRAMER, JUDGES.

CLAYTON, JUDGE: This is an appeal from a decision of the Franklin Circuit Court changing the custody and timesharing arrangements involving the parties' child. Based upon the following, we remand this case to the circuit court for findings.

Pursuant to Kentucky Revised Statute (KRS) 403.340(3) a court may modify its prior custody decree if it makes findings that a change in circumstances

has occurred and that modification would serve the best interests of the child. In this case, the circuit court held a hearing on October 28, 2014, regarding the custody of the parties' minor child upon a motion by Appellee, Chere M. Carter. At the hearing, Appellant, Jamarr K. Leonard, did not make an appearance.

At the hearing, Carter presented evidence and, at the end of the hearing, the circuit court entered conclusions, *i.e.*, that it was in the best interest of the child that a change in custody be made, however, it did not make specific findings either on the record orally or in its subsequent written order. In *Anderson v. Johnson*, 350 S.W.3d 453 (Ky. 2011), the Supreme Court of Kentucky held that a court must make specific findings of fact and conclusions of law when modifying custody orders. Thus, we vacate and remand this case for the circuit court to make findings of fact and conclusions of law regarding the statutory authority for modification of custody. We are not ordering that the circuit court proceed with a new hearing, only that it base its findings of fact and conclusions of law upon the facts presented at the original October 28, 2014 hearing.

ALL CONCUR.

BRIEF FOR APPELLANT:

Robert A. Rowland  
Frankfort, Kentucky

BRIEF FOR APPELLEE:

Natalie R. Lile  
Frankfort, Kentucky