

**Commonwealth Of Kentucky**  
**Court Of Appeals**

NO. 1997-CA-003304-MR

CYNTHIA GLEASON EVERSOLE

APPELLANT

v.

APPEAL FROM BELL CIRCUIT COURT  
HONORABLE FARMER H. HELTON, JUDGE  
ACTION NO. 97-CI-000017

JOHN EVERSOLE, JR.

APPELLEE

OPINION AND ORDER DISMISSING APPEAL

\* \* \* \* \*

BEFORE: McANULTY, HUDDLESTON AND SCHRODER, JUDGE.

McANULTY, JUDGE: Upon review of the record of this appeal and the responses of the appellant to our order of February 18, 1999, to show cause as to why this appeal should not be dismissed as interlocutory, it appears to the Court that the appeal has been taken from a decision which is not final or appealable. We therefore dismiss the appeal.

The notice of appeal recites that the appeal is taken from the order of the Bell Circuit Court entered on December 3, 1997. That judgment directs the parties to submit to the jurisdiction of Bell Circuit Court for a determination of, among other things, child custody issues. The judgment thereby effectively denies the appellant's motion for Bell Circuit Court to decline jurisdiction under the Uniform Child Custody Jurisdiction Act. KRS 403.400 et. seq. A direct appeal normally

may not be taken from such a "jurisdiction order" entered by a circuit court. See Hook v. Hook, Ky., 563 S.W.2d 716 (1978).

Pursuant to Hook v. Hook, supra, this Court is required to decide whether it is authorized to review a matter even if the parties did not themselves raise the issue. Accordingly, on February 18, 1999, we ordered the appellant to show cause as to why this appeal should not be dismissed as interlocutory.

Appellant's response to our show cause order argues that Hook is unwise jurisprudence in today's mobile society, is outdated, and not a wise way to enter the twenty-first century. However, even if we were inclined to agree with appellant, we are bound by and must follow the applicable precedents established in the opinions of the Supreme Court. Rules of the Supreme Court 1.030(8)(a); Special Fund v. Francis, Ky. 708 S.W.2d 641 (1986).

A direct appeal may not be taken from a "jurisdiction order" entered by a circuit court. See Hook v. Hook, supra. It is ORDERED that the appellant's appeal is DISMISSED as an interlocutory appeal.

ALL CONCUR.

ENTERED: April 2, 1999

/s/ William E. McAnulty  
JUDGE, COURT OF APPEALS

BRIEF FOR APPELLANT:

NO BRIEF FOR APPELLEE

Michael Davidson  
Lexington, Kentucky

