RENDERED: APRIL 25, 2008; 2:00 P.M.
NOT TO BE PUBLISHED

Commonwealth Of Kentucky

Court of Appeals

NO. 2007-CA-000966-MR

ADAM TROY FARMER — APPELLANT

v.

APPEAL FROM ANDERSON CIRCUIT COURT
HONORABLE WILLIAM F. STEWART, JUDGE
ACTION NO. 96-CI-00129

MELISSA M. FARMER (NOW KING) — APPELLEE

OPINION
AFFIRMING

** ** ** ** **

BEFORE: ACREE AND NICKELL, JUDGES; BUCKINGHAM,[1] SENIOR JUDGE.

ACREE, JUDGE: Adam Farmer appeals *pro se* from an order of the Anderson Circuit Court denying his Kentucky Civil Rule (CR) 60.02 motion. Farmer, who had been seeking child support for over ten years, failed to appeal from the trial court's original order. Instead, he filed a CR 60.02 motion asking the trial court to change the date on which the child support obligation began to accrue. Perceiving no abuse of the trial court's discretion, we affirm.

[1] Senior Judge David C. Buckingham sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and Kentucky Revised Statutes (KRS) 21.580.

Farmer and his ex-wife, Melissa King, are the parents of a son born in 1988. When the parties divorced some seven years later, they initially agreed that the child would reside with his father. Under the terms of the settlement agreement, Farmer did not request child support because he and King agreed to joint custody and equal sharing of child-related expenses. These terms were incorporated into their divorce decree.

In the two years following the divorce, Farmer came to feel that King was not furnishing a sufficient economic contribution to their son's upbringing. Thus, he filed his first motion for child support in September 1998. Farmer claims the Domestic Relations Commissioner stated his intent to award child support, but reserved the final ruling to allow King to submit proof of her contributions. Thereafter, Farmer filed similar motions in 1999, 2000, and 2006. Finally, on March 6, 2007, King was ordered to pay $399.36 per month in child support, despite the fact that the parties' son was no longer a minor. The effective date of the child support obligation was set as August 23, 2006.

Farmer made no attempt to appeal from this order. Instead, he filed a CR 60.02 motion requesting that the child support obligation be retroactive to September 22, 1998. In support of this motion, he cited comments made by the DRC during a hearing in December 2000. The motion was heard on March 27, 2007, and denied on April 10, 2007. This appeal followed.

Farmer argues on appeal that the trial court neglected to decide the issue of child support for ten years and, when the issue was finally decided, erroneously made the award retroactive for only the nine months immediately preceeding the child's graduation from high school. We note that Farmer's brief contains neither supporting

law, nor citations to the record. In fact, King has urged us to strike the brief due to these failures, as well as Farmer's failure to make the videotaped proceedings part of the record on appeal. CR 76.12(8)(a). Taking note of Farmer's *pro se* status and the subject matter of the appeal, we decline to do so.

This case does not require us to determine whether the trial court chose the proper date for the child support obligation to begin because Farmer did not appeal from the trial court's order awarding him child support. Farmer filed a notice of appeal clearly stating that he was appealing from the order denying his CR 60.02 motion. The notice of appeal is jurisdictional and, thus, this Court gains jurisdiction only over the order identified as that from which the appeal is taken. *City of Devondale v. Stallings*, 795 S.W.2d 954, 957 (Ky. 1990).

CR 60.02 allows a party to request relief from a judgment upon the following grounds:

> (a) mistake, inadvertence, surprise or excusable neglect; (b) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59.02; (c) perjury or falsified evidence; (d) fraud affecting the proceedings, other than perjury or falsified evidence; (e) the judgment is void, or has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (f) any other reason of an extraordinary nature justifying relief.

Farmer's CR 60.02 motion does not state which of these grounds are the basis for his request to reconsider the trial court's March 6th ruling. Further, "CR 60.02 addresses itself to the broad discretion of the trial court and for that reason, decisions rendered thereon are not disturbed unless the trial judge abused his/her discretion." *Kurtsinger v.*

Board of Trustees of Kentucky Retirement Systems, 90 S.W.3d 454, 456 (Ky. 2002). Having reviewed Farmer's motion, and the grounds for relief enumerated in CR 60.02, we do not perceive any abuse on the part of the trial court. Consequently, the order of the Anderson Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Adam Troy Farmer, *pro se*
Danville, Kentucky

BRIEF FOR APPELLEE:

Kevin P. Fox
Frankfort, Kentucky