

RENDERED: DECEMBER 14, 2012; 10:00 A.M.  
NOT TO BE PUBLISHED

**Commonwealth of Kentucky**  
**Court of Appeals**

NO. 2012-CA-000693-ME

ANGELYNNA YOUNG

APPELLANT

v. APPEAL FROM HARRISON CIRCUIT COURT  
HONORABLE BARBARA L. PAUL, JUDGE  
ACTION NO. 10-CI-00012

ANITA S. HATFIELD

APPELLEE

OPINION  
DISMISSING

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BEFORE: ACREE, CHIEF JUDGE; KELLER AND MOORE, JUDGES.

KELLER, JUDGE: Angelynna Young (Young) appeals, *pro se*, from the March 22, 2012, order of the Harrison Family Court. For the following reasons, we conclude that the order was interlocutory and not appealable. Therefore, we dismiss the appeal.

## FACTS

On January 12, 2010, Young filed a *pro se* petition for visitation in the Harrison Family Court. In her petition, Young alleged that she was incarcerated and that her mother, Anita S. Hatfield (Hatfield), had custody of Young's three minor children. Young further alleged that Hatfield had denied her contact with her children, and that she had not seen her children since August 9, 2009. In her response, Hatfield denied that she prevented Young's children from seeing Young and stated that the children had recently visited Young for Christmas.

On August 19, 2011, Young filed another *pro se* petition for visitation in the Harrison Family Court alleging that Hatfield had denied her contact with her children and that she had not seen her children since December 27, 2009. Young further alleged that she had not received a letter from her children since July 8, 2009, and Hatfield refused to give Young her current phone number.

On February 3, 2012, Young filed a motion to set a hearing date on her petition to compel visitation, and the family court held a hearing on March 21, 2012. We note that Young was not present in person or telephonically at the hearing. At the hearing and without being sworn in, Hatfield testified that the last time she took the children to visit Young was on December 17, 2010. She also stated that visitation was now difficult because Young was transferred to Fredonia, Kentucky, which is approximately five hours away. Hatfield further testified that she sent pictures of the children to Young, and that she gave Young's letters to the

children. Additionally, Hatfield stated that Young had sent threatening letters to her, and that Young's oldest child does not want to have any contact with Young.

The family court subsequently entered an order the next day ordering Hatfield to encourage the children to send Young pictures every three or four months or on special occasions; deliver Young's letters to the children if appropriate; and to accept one phone call from Young on the first Saturday of every month and to give the children reasonable time to talk to Young. This appeal followed.

### ANALYSIS

On appeal, Young seeks a reversal of the family court's order. Because we find the order to be interlocutory and not appealable, we dismiss this appeal.

As set forth in *Druen v. Miller*, 357 S.W.3d 547, 549 (Ky. App. 2011):

[Kentucky Rule of Civil Procedure (CR)] 54.01 provides in part that “[a] final or appealable judgment is a final order adjudicating all the rights of all the parties in an action or proceeding, or a judgment made final under Rule 54.02.” Under CR 54.02, if more than one claim for relief is sought, “the court may grant a final judgment upon one or more but less than all of the claims or parties only upon a determination that there is no just reason for delay.” If an order is interlocutory by its very nature, the recital of the CR 54.02 finality language will not make it appealable. *Hook v. Hook*, 563 S.W.2d 716, 717 (Ky. 1978).

(Footnote omitted).

In the instant case, the court provided some relief to Young. Balancing Hatfield's concerns, the wishes of the children, and Young's desire for more

contact with the children, the court ordered Hatfield: to encourage Young's children to send pictures every three or four months or on special occasions; to deliver to the children Young's letters that are appropriate for the children to read; and to accept one collect phone call from Young on the first Saturday of every month. However, because the court did not specifically address the issue of visitation, the order, as written, does not dispose of that issue. Therefore, the order is not final and appealable. Furthermore, before bringing an appeal, Young was required to seek redress of any deficiency from the trial court, which she failed to do. Thus, we must dismiss her appeal as premature.

#### CONCLUSION

Because this appeal is from an interlocutory order, it is not properly before this Court. Accordingly, appeal no. 2012-CA-000693-ME is hereby dismissed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Angelynna Young, *pro se*  
Fredonia, Kentucky

BRIEF FOR APPELLEE:

No Brief Filed.