RENDERED: MARCH 1, 2019; 10:00 A.M.
NOT TO BE PUBLISHED

Commonwealth of Kentucky

Court of Appeals

NO. 2017-CA-000683-ME

ASHLEY BROOKE BLANTON — APPELLANT

v. — APPEAL FROM LAUREL CIRCUIT COURT
HONORABLE STEPHEN JONES, JUDGE
ACTION NO. 16-CI-00624

JAMES LOGAN NAPIER — APPELLEE

OPINION
AFFIRMING

** ** ** ** **

BEFORE: MAZE, NICKELL, AND K. THOMPSON, JUDGES.

NICKELL, JUDGE: By order entered January 20, 2017, the Laurel Circuit Court, Family Division, dissolved the marriage of Ashley Brooke Blanton[1] and James Logan Napier, parents of a child born in 2015. On January 10, 2017, the trial court

[1] The order of dissolution restored Blanton to her maiden name.

entered a child support order requiring Napier to pay Blanton $338.00 monthly, plus one-half of all unreimbursed health expenses exceeding $100.00 in any calendar year. On January 20, 2017, Blanton moved the trial court to amend the child support order "to be 'final and appealable,'" a motion the trial court denied in a "FINAL AND APPEALABLE" order entered on March 29, 2017. Blanton appeals from the January 10 and March 29 orders. On review of the record, briefs and law, we affirm.

A review of Blanton's trial court motion confirms all she sought was amendment of the child support order "to be 'final and appealable.'" She stated no written grounds in support of any change; she argued—neither in writing nor orally—any error by the trial court; and she orally raised no grounds during any hearing. Nor does she claim she did. In her brief to this Court, she argues the three issues[2] raised are "properly preserved for review as [she] filed a motion to alter, amend or vacate and timely filed an appeal," each time citing the January 10 motion. We disagree.

First, Blanton did not move the trial court to "alter, amend or vacate" the child support order; she moved the trial court only to "amend" the order.

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[2] Blanton contends the trial court erred by: deviating from child support guidelines and reducing Napier's obligation by one-half; ordering Blanton to pay one-half of child's unreimbursed medical expenses; and denying Blanton's motion to alter, amend or vacate. We are not cited to any point at which these arguments were made to the trial court.

Second, Blanton's two-page motion to amend is found at TR 2, 244-45, not "224-245" as she states at the bottom of page 2 of her brief. Page 224 is Napier's Earnings Statement. Third—and most importantly—a basic tenet of appellate practice is "a party may not raise an issue for the first time on appeal." *Taylor v. Kentucky Unemployment Ins. Comm'n*, 382 S.W.3d 826, 835 (Ky. 2012) (citing *Kennedy v. Commonwealth*, 544 S.W.2d 219, 222 (Ky. 1976), *overruled on other grounds by Wilburn v. Commonwealth*, 312 S.W.3d 321 (Ky. 2010). Stated otherwise, "[a] new theory of error cannot be raised for the first time on appeal." *Jones v. Livesay*, 551 S.W.3d 47, 52 (Ky. App. 2018) (quoting *Springer v. Commonwealth*, 998 S.W.2d 439, 446 (Ky. 1999)). Because Blanton's arguments violate this well-settled rule, a point aptly noted by Napier, we are unable to consider the merit, if any, of Blanton's three claims.

For the reasons expressed above, the orders entered by the trial court on January 10, 2017, and March 29, 2017, are AFFIRMED.

ALL CONCUR.

BRIEFS FOR APPELLANT:

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