

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-000621-MR

JENNIFER SUE CLINE

APPELLANT

v. APPEAL FROM WARREN CIRCUIT COURT
HONORABLE MARGARET RYAN HUDDLESTON, JUDGE
ACTION NO. 01-CI-00457

KENNETH LEE CLINE

APPELLEE

OPINION

AFFIRMING

** ** * * *

BEFORE: DYCHE, KNOPF AND MILLER¹, JUDGES.

DYCHE, JUDGE. Jennifer Sue Cline appeals from a decree of the Warren Family Court establishing her ex-husband, Kenneth Lee Cline, to be the primary residential custodian under a grant of joint custody. We affirm.

¹ Senior Status Judge John D. Miller sitting as Special Judge by Assignment of the Chief Justice pursuant to Section 110 (5)(b) of the Kentucky Constitution.

The parties were divorced by decree of the Barren Circuit Court on July 10, 1998; that decree made Jennifer the primary residential custodian, with the parties sharing joint custody. Four days later, the parties entered into an agreed order, which modified the custody arrangement, with Kenneth having the child from Monday afternoon until Friday morning, and Jennifer from Friday afternoon until Monday morning. This arrangement was necessitated by Jennifer's schedule of classes and related obligations connected with her pursuit of a Master's Degree in counseling.

When Jennifer finished her degree, she moved the Warren Family Court (now the proper venue, as all parties lived in Warren County) to establish a different visitation schedule. Her counsel requested "standard" visitation, with Jennifer being the primary residential custodian.² Kenneth responded with a motion for custody, and the issue was joined.

The trial court conducted a hearing on the motions. We have watched the videotape of the hearing, and examined the entire record. We find no error or abuse of discretion. Jennifer's brief³ cites us to nothing in the record to establish such an abuse, which has been characterized as "arbitrary,

² Counsel is reminded of Drury v. Drury, Ky. App., 32 S.W.3d 521 (2000), and its discouragement of the use of "standard" visitation schedules.

³ The copies of the brief supplied to us are nearly illegible in places.

unreasonable, unfair, or unsupported by sound legal principles." Commonwealth v. English, Ky., 993 S.W.2d 941, 945 (1999). She is not pleased with the result, but gives us no reason to disturb the trial court's decision. The decree of the Warren Family Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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