

RENDERED: SEPTEMBER 27, 2024; 10:00 A.M.
NOT TO BE PUBLISHED

Commonwealth of Kentucky
Court of Appeals

NO. 2023-CA-1007-ME

L.W.

APPELLANT

v. APPEAL FROM MCCRACKEN CIRCUIT COURT
HONORABLE DEANNA WISE HENSCHER, JUDGE
ACTION NO. 21-J-00115-001

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES; J.E.; K.C., A
MINOR CHILD; M.C.; AND T.M.

APPELLEES

AND

NO. 2023-CA-1082-MR

T.M.

CROSS-APPELLANT

v. CROSS-APPEAL FROM MCCRACKEN CIRCUIT COURT
HONORABLE DEANNA WISE HENSCHER, JUDGE
ACTION NO. 21-J-00115-001

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES; J.E.; K.C., A
MINOR CHILD; L.W.; AND M.C.

CROSS-APPELLEES

OPINION AND ORDER
DISMISSING

** **

BEFORE: CALDWELL, CETRULO, AND ECKERLE, JUDGES.

CALDWELL, JUDGE: Appellant, L.W., who is the mother to minor child, K.C., appeals from an order of the McCracken Circuit Court which denied the motions of Appellee, J.E.,¹ to intervene and for permanent custody of K.C., in a dependency, neglect, and abuse (“DNA”) proceeding. Appellee, T.M., who is a paternal grandmother, also filed a cross-appeal of the same order which similarly denied her motion concerning relative placement. While these matters were pending before this Court, the McCracken Circuit Court conducted termination of parental rights proceedings and involuntarily terminated L.W.’s parental rights to K.C. (Case No. 23-AD-00045).² L.W. appealed the judgment from that case, and this Court subsequently affirmed that judgment by the Opinion rendered on August 30, 2024 (Case No. 2023-CA-1439-ME).

In our jurisprudence, “[a] ‘moot case’ is one which seeks to get a judgment . . . upon some matter which, when rendered, for any reason, cannot have

¹ J.E., a maternal great-grandmother, has not filed a brief or a notice of an appeal or a cross-appeal in this matter.

² The parental rights of Appellee, M.C., father to K.C., were also terminated by the judgment. M.C. has not filed a brief or a notice of an appeal or a cross-appeal in this matter.

any practical legal effect upon a then existing controversy.” *Morgan v. Getter*, 441 S.W.3d 94, 98-99 (Ky. 2014) (citations omitted). If an appeal is moot, this Court is deprived of jurisdiction, as no actual case or controversy exists. *Commonwealth, Ky. Bd. of Nursing v. Sullivan Univ. Sys., Inc.*, 433 S.W.3d 341, 344 (Ky. 2014) (citing *Commonwealth v. Hughes*, 873 S.W.2d 828, 829 (Ky. 1994)). Thus, “an appellate court is required to dismiss an appeal when a change in circumstance renders that court unable to grant meaningful relief to either party.” *Id.* (quoting *Med. Vision Group, P.S.C. v. Philpot*, 261 S.W.3d 485, 491 (Ky. 2008)).

Sub judice, L.W.’s parental rights have been terminated and this Court has affirmed that termination; there is no meaningful relief which this Court can now grant from the DNA matter. Similarly, there is no meaningful relief which this Court can grant to T.M. as K.C.’s grandparent or J.E. as K.C.’s great-grandparent.

Accordingly, having reviewed the record and being otherwise sufficiently advised it is ORDERED that the above-styled appeal and cross-appeal be, and hereby are, DISMISSED as MOOT.

ALL CONCUR.

ENTERED: 09/27/2024



JUDGE, COURT OF APPEALS

BRIEF FOR APPELLANT:

S. Scott Marcum
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BRIEF FOR APPELLEE:

Kevin Martz
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BRIEF FOR CROSS-APPELLANT:

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