Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-1320-OA

C.K. PETITIONER

v. AN ORIGINAL ACTION
ARISING FROM GRANT CIRCUIT COURT
ACTION NO. 26-J-00058-001

HON. CASEY CHEESMAN RESPONDENT
AND
COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL. REAL PARTIES IN INTEREST

ORDER

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This matter comes before the Court on Petitioner's renewed motion for emergency relief under Kentucky Rule of Appellate Procedure (RAP) 60(H), as well as her motion to supplement her October 9, 2026, petition for a writ of mandamus. This Court previously denied emergency relief by order issued on October 12, 2026.

Petitioner is the natural mother of the minor child who is the subject of the underlying dependency, neglect, or abuse (DNA) proceedings. The pending proceedings involve allegations that Petitioner drove while under the influence of

methamphetamine with the child in the car. In denying emergency relief, this Court previously noted that an adjudication hearing was scheduled for October 13, 2026. Petitioner acknowledges that in a DNA case, the dispositional order is the final and appealable order. *See J.E. v. Cabinet for Health and Family Service*s, 553 S.W.3d 850 (Ky. App. 2018). Nonetheless, Petitioner "renewed" her motion for emergency relief following the October 13, 2026, hearing.

The Family Court has scheduled a dispositional hearing for Tuesday, October 27, 2026. Petitioner again requests that this Court direct the Family Court to rule on pending motions, to enter findings of fact, and requests various other relief. Petitioner emphasizes, as alleged irreparable harm, that she has been separated from her child for approximately 70 days.

Petitioner misapprehends the posture of the current proceedings. To qualify for emergency relief, a party must demonstrate that she will suffer irreparable harm, of a ruinous nature, if the appellate court does not act. RAP 60(H). As noted in our previous Order, the dispositional order, which the Family Court will issue following the October 27, 2026, hearing, will constitute a final and appealable order. When a final and appealable order is entered, the pretrial rulings of the lower court are then appealable. *See generally Blair v. City of Winchester*, 743 S.W.2d 28 (Ky. App. 1987). Furthermore, even considering the separation of Petitioner from the minor child in this instance, "the claimed injuries are simply

not the kind of injuries that justify" extraordinary interim relief. *Lee v. George*, 369 S.W.3d 29, 34 (Ky. 2012). "Indeed, if they were, the appellate courts would be awash with writ petitions in domestic cases." *Id.*

The ultimate disposition of Petitioner's writ petition will be determined by a three-Judge panel of this Court following expiration of the response time in RAP 60. However, having again reviewed the limited record, and being otherwise sufficiently advised, the Court DENIES Petitioner's renewed motion for emergency relief.

Petitioner also seeks to supplement her writ petition with an affidavit concerning the events that occurred at the October 13, 2026, adjudication hearing, including the evidence introduced and the statements purportedly made by the Respondent Family Judge. Again, any allegations of error by the Family Court during the lower court proceedings may be raised by Petitioner in a direct appeal following entry of a final and appealable order. Accordingly, it is further ORDERED that Petitioner's motion to supplement the writ petition is DENIED.

ENTERED: OCTOBER 23, 2026

Audra J. Eckerle

HON. AUDRA J. ECKERLE
JUDGE, COURT OF APPEALS