

COMMONWEALTH OF KENTUCKY COURT OF APPEALS

Paul Mitchell York and Renada Sue York v. Shawn D. Hamlet and
Kathryn G. Mecke

No. 2024-CA-1406-MR · No. 2024-CA-1406-MR · Decided June 5, 2026

SUMMARY

The Kentucky Court of Appeals affirmed the dismissal of the Yorks' petition seeking de facto custodian status and custody of their grandchild. The court held that a successor special judge could revisit a prior interlocutory ruling on de facto custodian status before entry of final judgment. It also held that substantial evidence supported the finding that the grandparents had not established the statutory requirements because the father continued to exercise parental and custodial responsibilities.

CASE DETAILS

COURT	Commonwealth of Kentucky Court of Appeals
WRITING FOR THE COURT	A. Jones; Combs; Karem
JURISDICTION	Kentucky Court of Appeals
DECIDED	June 5, 2026
DOCKET	2024-CA-1406-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Grandparents appealed the Marshall Family Court's final judgment dismissing their petition for de facto custodian status and custody of their grandchild.
STANDARD OF REVIEW	Jurisdictional questions were reviewed de novo. The appellate court deferred to the family court's factual findings unless clearly erroneous under CR 52.01, giving due regard to the family court's superior opportunity to evaluate witness credibility and weigh conflicting testimony. Whether the evidence constituted substantial evidence was reviewed under the substantial-evidence standard.
PRECEDENTIAL VALUE	published
PARTIES	Paul Mitchell York, Renada Sue York v. Shawn D. Hamlet, Kathryn G. Mecke

TOPICS

family law procedure

grandparent rights

parental rights

appellate procedure

standard of review

PRACTICE AREAS

family law

civil procedure

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QUESTIONS PRESENTED

1. Whether a successor special judge may reconsider a prior special judge's interlocutory order finding that the grandparents qualified as de facto custodians before entry of a final judgment.
2. Whether substantial evidence supported the family court's determination that the grandparents failed to establish that they were the child's primary caregivers and financial supporters under KRS 403.270.

HOLDINGS

1. The successor special judge had authority to revisit the prior order because it was an interlocutory order that did not adjudicate all rights of all parties, lacked CR 54.02 finality language, and remained subject to revision before entry of final judgment.
2. The grandparents failed to establish by clear and convincing evidence that they were the child's primary caregivers and financial supporters because the father continued to exercise parental responsibilities and participate in the child's care and support.

KEY QUOTATIONS

“is interlocutory and subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.” (at 8)

“A grandparent who co-parents a child with the natural mother or father does not make the grandparent the primary caregiver.” (at 12)

“We agree with Samantha that despite Joyce’s generous provision of care and financial support, under these facts Joyce was simply parenting Child alongside Samantha due to Samantha’s continuing to exercise her parenting time and to provide for and make decisions for Child during such parenting time.” (at 14)

FACTUAL BACKGROUND

The child was born in 2015, and the father obtained permanent sole legal custody in 2016. The child spent increasing amounts of time with the maternal grandparents, including an almost full-time period during the COVID-19 pandemic, while the father continued to maintain legal custody, medical and dental insurance, involvement in major educational and medical decisions, visitation, and financial support. The grandparents sought de facto custodian status and custody, but the successor family court judge found that the father had not abdicated his parental role and that the parties had continued a cooperative caregiving arrangement.

PROCEDURAL HISTORY

The grandparents filed a petition for custody and de facto custodian status in the Marshall Family Court. An earlier special judge entered an interlocutory order finding that they qualified as de facto custodians, but a

successor special judge later reconsidered that issue after additional evidentiary hearings and dismissed the petition. The family court denied the grandparents' CR 59.05 motion, and the Kentucky Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Eckerle, 470 S.W.3d 712, 720 (Ky. 2015)
- Commonwealth v. Steadman, 411 S.W.3d 717, 722 (Ky. 2013)
- Commonwealth v. B.H., 548 S.W.3d 238, 242 (Ky. 2018)
- Kincaid v. Johnson, True & Guarnieri, LLP, 538 S.W.3d 901, 916-17 (Ky. App. 2017)
- Univ. Med. Ctr., Inc. v. Beglin, 432 S.W.3d 175, 178 (Ky. App. 2014)
- Union Light, Heat & Power Co. v. Blackwell's Adm'r, 291 S.W.2d 539, 542 (Ky. 1956)
- Cherry v. Carroll, 507 S.W.3d 23, 27 (Ky. App. 2016)
- Druen v. Miller, 357 S.W.3d 547, 549 (Ky. App. 2011)
- Bank of Danville v. Farmers Nat. Bank of Danville, 602 S.W.2d 160, 164 (Ky. 1980)
- JPMorgan Chase Bank, N.A. v. Bluegrass Powerboats, 424 S.W.3d 902, 910-11 (Ky. 2014)
- Moore v. Asente, 110 S.W.3d 336, 354 (Ky. 2003)
- Lemaster v. Stiltner, 718 S.W.3d 840, 855-56 (Ky. 2025)
- Jones v. Jones, 510 S.W.3d 845, 849 (Ky. App. 2017)
- Santosky v. Kramer, 455 U.S. 745, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982)
- Brumfield v. Stinson, 368 S.W.3d 116, 118 (Ky. App. 2012)
- London v. Collins, 242 S.W.3d 351 (Ky. App. 2007)
- Consalvi v. Cawood, 63 S.W.3d 195, 198 (Ky. App. 2001)
- Boone v. Ballinger, 228 S.W.3d 1 (Ky. App. 2007)
- Mullins v. Picklesimer, 317 S.W.3d 569, 573-74 (Ky. 2010)
- Chadwick v. Flora, 488 S.W.3d 640, 644 (Ky. App. 2016)
- Burgess v. Chase, 629 S.W.3d 826, 832 (Ky. App. 2021)