

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BARBARA BEEGHLEY,	§
	§
Respondent Below-	§ No. 84, 2002
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
JOHN BEEGHLEY,	§ in and for New Castle County
	§ File No. CN93-07390
Petitioner Below-	§
Appellee.	§

Submitted: March 25, 2002

Decided: April 17, 2002

Before **VEASEY**, Chief Justice, **WALSH** and **HOLLAND**, Justices

ORDER

This 17th day of April 2002, it appears to the Court that:

(1) On February 19, 2002, this Court received the appellant's notice of appeal from the February 11, 2002 order of the Family Court denying appellant's request for reargument of the Family Court's denial of her request to proceed in forma pauperis. The order of the Family Court states that the appellant was afforded an opportunity to submit an affidavit in support of her request to proceed in forma pauperis, but failed to do so.

(2) On February 22, 2002, the Clerk's office issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the

appeal should not be dismissed for her failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. On March 12, 2002, the appellant responded to the notice to show cause. In her response, the appellant states that the Family Court's denial of in forma pauperis status will result in irreparable harm to her and that this Court should grant her request for in forma pauperis status in the interest of justice.

(3) The test for whether an order is final and therefore ripe for appeal is whether the trial court has clearly declared its intention that the order be the court's "final act" in a case.¹ The Family Court's February 11, 2002 order clearly was not the court's final act in this case for purposes of appeal since there are numerous matters in File No. CN93-07390 still pending. Accordingly, the appeal is premature absent compliance with the requirements for taking an interlocutory appeal in accordance with Supreme Court Rule 42. Because the appellant has not attempted to comply with the requirements of Rule 42, her appeal must be dismissed.

¹*J.I. Kislak Mortgage Corp. of Delaware v. William Matthews Builders, Inc.*, 303 A.2d 648, 650 (Del. 1973).

NOW, THEREFORE IT IS ORDERED that the appeal is DISMISSED.

BY THE COURT:

s/Joseph T. Walsh
Justice