

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KATHLEEN HARRIS-NORRIS, ¹	§
	§ No. 82, 2013
Respondent Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for Sussex County
TONY HARRIS, SR.,	§ File No. CK00-03979
	§ Petition No. 13-02851
Petitioner Below-	§
Appellee.	§

Submitted: April 5, 2013
Decided: April 11, 2013

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

ORDER

This 11th day of April 2013, it appears to the Court that:

(1) On February 25, 2013, the Court received the appellant’s notice of appeal from the Family Court’s February 1, 2013 order requiring her to sign the appropriate documents to permit her three minor children to travel overseas with their father. The children’s father shares joint custody of the children with the appellant, the children’s mother, and has placement and primary decision-making authority with respect to the children.

¹ The Court *sua sponte* assigned pseudonyms to the parties by Order dated February 25, 2013.

(2) On March 25, 2013, the Clerk of the Court issued a notice to show cause why this appeal should not be dismissed for the appellant's failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. On April 5, 2013, the appellant filed a response to the notice to show cause. In the response, the appellant states that her appeal should not be treated as interlocutory because it is from a final order.

(3) Absent compliance with Rule 42, this Court's jurisdiction is limited to the review of final judgments of trial courts.² An order is deemed to be "final" if the trial court has clearly declared its intention that the order be the court's "final act" in the case.³

(4) The record reflects that the Family Court currently has jurisdiction over custody and visitation matters involving the appellant's children in File No. CK00-03979. The record further reflects that the Family Court's February 1, 2013 order was issued in response to an emergency *ex parte* motion filed by the appellant in that case. There is no evidence that the Family Court intended that its February 1, 2013 order be its "final" order in the case.

² *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

³ *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).

(5) Because the Family Court's order is an interlocutory, and not a final, order, this Court has no jurisdiction to consider it absent compliance with Rule 42. Because the appellant has not complied with the requirements of Rule 42, we conclude that the appeal must be dismissed.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice