IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
Assigned on Briefs May 1, 2023

SAMUEL ADAM REESE v. LYNETTE ERIN REESE

Appeal from the General Sessions Court for Roane County
No. 21CV1039 Dennis W. Humphrey, Judge

No. E2022-01116-COA-R3-CV

This appeal arises from a divorce. After trial, the trial court entered a final decree of divorce with an attached Permanent Parenting Plan regarding the parties' minor child. The determination of child support was left blank. A supplemental order purported to "bifurcate" the issue of child support and transfer the case from the Roane County IV-D office to the Anderson County IV-D office. The father appeals. Since the issue of child support was never resolved or adjudicated, there is no final, appealable judgment. The appeal is dismissed for lack of subject matter jurisdiction.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed

CARMA DENNIS MCGEE, J., delivered the opinion of the court, in which JOHN W. MCCLARTY and W. NEAL MCBRAYER, JJ., joined.

Jennifer L. Chadwell, Oak Ridge, Tennessee, for the appellant, Samuel Adam Reese.

Judith R. Whitfield, Oak Ridge, Tennessee, for the appellee, Lynette Erin Reese.

OPINION

I. FACTS AND PROCEDURAL HISTORY

Samuel Adam Reese ("Father") and Lynette Erin Reese ("Mother") separated in June 2021. After separation, Mother moved to Ohio. Father subsequently filed a complaint for divorce, and Mother filed a counter-complaint for divorce. In their complaints, both parties requested the trial court to enter a Permanent Parenting Plan ("PPP") regarding their minor child.

The trial occurred in March 2022 and May 2022. In August 2022, the trial court entered a final decree of divorce. Attached to the decree were a memorandum opinion and

a PPP. In the memorandum opinion, the trial court ordered that Mother take the child back to Ohio. The PPP addressed custody and visitation and named Mother as primary residential parent, but the section on child support was left blank. The trial court later entered a supplemental order "bifurcating" the child support issue so that the Anderson County IV-D office could determine child support. The trial court stated that the reasons for the child support case to be transferred to Anderson County IV-D office were that the parties no longer lived in Roane County, Father lived in Anderson County, and the Anderson County Child Support Magistrate held hearings daily. Father subsequently appealed.

II. ISSUES PRESENTED

Father presents the following issues for review on appeal, which we have slightly restated:

1. Whether jurisdiction of the determination of child support lies with Ohio due to the open IV-D case;
2. Whether the trial court made sufficient findings of fact and conclusions of law pursuant to Rule 52 of the Tennessee Rules of Civil Procedure;
3. Whether the court erred in naming Mother primary residential parent of the minor child;
4. Whether the Court erred in enjoining Melissa Boring from staying overnight in her own home during the time the child is present with Father.

In her posture as appellee, Mother presents the following issues for review on appeal, which we have slightly restated:

1. Whether this case is not ripe for appeal due to lack of a final judgment;
2. Whether the trial court made sufficient findings of fact and conclusions of law pursuant to Rule 52 of the Tennessee Rules of Civil Procedure;
3. Whether the court erred in naming Mother primary residential parent of the minor child;
4. Whether the court erred in enjoining Melissa Boring from staying overnight in her own home during the time the child is present with the father.

For the following reasons, this appeal is dismissed because the trial court has not entered a final judgment.

III. DISCUSSION

With an exception for interlocutory appeals as provided by the rules or by statute, this Court only has subject matter jurisdiction over final judgments. *Bayberry Assocs. v. Jones*, 783 S.W.2d 553, 559 (Tenn. 1990). A final judgment "fully and completely defines

the parties' rights with regard to the issue, leaving nothing else for the trial court to do." *Hoalcraft v. Smithson*, 19 S.W.3d 822, 827 (Tenn. Ct. App. 1999) (citing *State ex rel. McAllister v. Goode*, 968 S.W.2d 834, 840 (Tenn. Ct. App. 1997)). An order that "adjudicates fewer than all of the claims, rights, or liabilities of all the parties" is not a final judgment. *In re Estate of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) (citing Tenn. R. App. P. 3(a)).

A parenting plan that does not contain a determination of child support does not define or adjudicate the parties' rights with regard to all of the issues. *See Hensley v. Hensley*, No. E2017-00354-COA-R3-CV, 2017 WL 5485320, at *7 (Tenn. Ct. App. Nov. 15, 2017); *In re Gabrielle R.*, No. W2015-00388-COA-R3-JV, 2016 WL 1084220, at *1 (Tenn. Ct. App. Mar. 17, 2016). For this reason, we have held before that when a trial court reserves the issue of child support, there is no final order for appeal. *See Solima v. Solima*, No. M2017-01924-COA-R3-CV, 2018 WL 6338345, at *2-3 (Tenn. Ct. App. Dec. 5, 2018) (concluding that there was no final judgment where the trial court directed the father to "file a [p]etition in the IV-D Court to have child support calculated"). Here, the trial court's bifurcation and transfer of the child support determination left the issue unadjudicated and unresolved. Thus, there is no final, appealable order.

Father argues that there is a final order because the Child Support Enforcement Agency ("CSEA") office in Ohio has "assume[d] jurisdiction," and "all actions and remedies pursuant to the issue of child support now lie with CSEA in Lucas County, Ohio."[1] We disagree. Nothing in the record indicates that CSEA in Ohio has relieved the trial court of its jurisdiction to determine child support or that the Ohio courts have made a determination of child support. Since there is no final judgment, we do not have subject matter jurisdiction to consider the rest of the issues raised in this appeal. Consequently, the appeal is dismissed.

IV. CONCLUSION

For the aforementioned reasons, this appeal is dismissed. Costs of this appeal are taxed to appellant, Samuel Adam Reese, for which execution may issue if necessary.

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CARMA DENNIS MCGEE, JUDGE

[1] Both parties acknowledge in their briefs that a case has been opened in the Child Support Enforcement Agency in Lucas County, Ohio. Additionally, Father refers to that purported case in his response to a Show Cause Order previously entered by this Court. However, the existence of any such case has not been established in the record. Father has merely submitted a photograph of a paper received in the mail informing him that a case had been opened at the Child Support Enforcement Office in Lucas County, Ohio. The details or progress of the proceedings are unknown to us and are not readily apparent, and there is no indication in the parties' briefs that the Ohio office has taken any other action on the case.