

FILED

04/24/2026

Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 21, 2026 Session

IN RE AUDREY B.

**Appeal from the Chancery Court for Hawkins County
No. 2025-AD-1 Douglas T. Jenkins, Chancellor**

No. E2026-00067-COA-R3-PT

This is an appeal from a final order entered on December 10, 2025. The notice of appeal was electronically filed with the clerk of the Court of Appeals on January 14, 2026, more than thirty days from the date of entry of the orders from which the appellant is seeking to appeal. Because the notice of appeal was not timely filed, we have no jurisdiction to consider this appeal.

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

JOHN W. MCCLARTY, P.J., E.S.; KRISTI M. DAVIS, J.; AND WILLIAM E. PHILLIPS, II, J.

Emily C. Morley, Rogersville, Tennessee, for the appellant, Miranda B.

Daniel J. Cantwell, Kingsport, Tennessee, for the appellees, Corey B. and Jessica B.

MEMORANDUM OPINION¹

A trial occurred in the Hawkins County Chancery Court (“Trial Court”) on three non-consecutive days in September and October 2025. Thereafter, the appellant, Miranda B. (“Appellant”), filed a notice of appeal with the clerk of the Trial Court. However, the notice of appeal was not filed with this Court at that time, only the Trial Court.

¹ Rule 10 of the Rules of the Court of Appeals provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

Subsequently, on December 10, 2025, the Trial Court entered a “Final Order Terminating the Parental Rights of Mother and Father,” as well as an “Amended Final Order Terminating the Parental Rights of Mother and Father.” On their face, the final judgment and amended final judgment appear to be effectively entered pursuant to Tennessee Rule of Civil Procedure 58.

Appellant electronically filed a notice of appeal in this case with the clerk of this Court on January 14, 2026. In the notice of appeal, Appellant states that she is seeking to appeal the December 10, 2025 final judgment of the Trial Court. The notice of appeal also acknowledged that the first notice of appeal from November 2025 had been filed with the Trial Court.

After the filing of Appellant’s notice of appeal, the appellees filed a motion to dismiss this appeal, arguing that the notice of appeal was untimely filed in this case. The appellees attached copies of the trial court’s judgment and amended judgment that were entered on December 10, 2025. To date, Appellant has not responded to the motion to dismiss.

In order to be timely, a notice of appeal must “be filed with the clerk of the appellate court within 30 days after the date of entry of the judgment appealed from.” Tenn. R. App. P. 4(a). “The thirty-day time limit for filing a notice of appeal is mandatory and jurisdictional in civil cases.” *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn. 2004). If a notice of appeal is not filed in a civil case in a timely fashion from the date of entry of the final judgment, we are not at liberty to waive the procedural defect and must dismiss the appeal. *See Arfken & Assocs., P.A. v. Simpson Bridge Co., Inc.*, 85 S.W.3d 789, 791 (Tenn. Ct. App. 2002); *Am. Steinwinter Investor Group v. Am. Steinwinter, Inc.*, 964 S.W.2d 569, 571 (Tenn. Ct. App. 1997); *Jefferson v. Pneumo Services Corp.*, 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985). This is true even in a termination of parental rights appeal. *See, e.g., In re Jayden B.-H.*, No. E2013-00873-COA-R3-PT; 2013 WL 4505389, * 1 (Tenn. Ct. App., filed Aug. 21, 2013).

Appellant’s first notice of appeal filed in the Trial Court was insufficient to confer subject matter jurisdiction of this appeal with this Court.² *See* Tenn. R. App. P. 4(a). The January 14, 2026 notice of appeal was filed in this Court; however, it was filed after the thirty days provided by Rule 4(a) for the filing of a notice of appeal with this Court. Because the notice of appeal filed with the Court of Appeals was filed more than thirty (30) days after the date of entry of the final order, we lack jurisdiction to consider the appeal. The appellees’ motion to dismiss this appeal is hereby granted, and this appeal is dismissed.

² Although the 2017 amendment to Rule 4 included a transitional provision for parties who mistakenly file their notice of appeal with the trial court clerk, that provision expired in June 2018.

Costs on appeal are taxed to the appellant, Miranda B., for which execution may issue if necessary.

PER CURIAM