

# ARKANSAS COURT OF APPEALS

DIVISION III  
No. CA12-844

WENDY SUTTON (SINGER)

APPELLANT

V.

RUSSELL SUTTON

APPELLEE

**Opinion Delivered:** April 3, 2013

APPEAL FROM THE JEFFERSON  
COUNTY CIRCUIT COURT  
[NO. DR-2011-567]

HONORABLE BILL BENTON,  
JUDGE

DISMISSED

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**RHONDA K. WOOD, Judge**

Appellant Wendy Sutton appeals from an order of the Jefferson County Circuit Court that confirmed the registration of a foreign child-custody determination. On appeal, Wendy argues that the order should be set aside because she did not receive adequate notice of the Oklahoma proceedings resulting in the order that was registered in Jefferson County. We are unable to reach the merits of Wendy's arguments, as the order from which she appeals is not a final, appealable order. We dismiss the appeal.

On April 13, 2011, appellee Russell Sutton filed a petition to register a foreign child-custody judgment and for enforcement of the judgment in the circuit court of Jefferson County. The petition sought to register an order of the Muskogee County District Court, Muskogee County, Oklahoma, which modified the parties' divorce decree and granted sole custody of the parties' minor children to Russell. On May 15, 2012, the

circuit court held a hearing on the matter. Following the hearing, the circuit court entered an order that registered the foreign judgment and that scheduled a hearing on Russell's request for enforcement of the foreign order. Wendy appealed the registration.

With exceptions not applicable here, an appeal may be taken only from a final judgment or decree entered by the circuit court. Ark. R. App. P.–Civ. 2(a)(1) (2012). The existence of a final order is a question of jurisdiction, and the appellate courts have the right and duty to raise that issue in order to avoid piecemeal litigation. *Carruth v. Carruth*, 2012 Ark. App. 172. For a judgment to be final and appealable, it must dismiss the parties from the court, discharge them from the action, or conclude their rights to the subject matter in controversy. *Id.* Where the order appealed from reflects that further proceedings are pending, which do not involve merely collateral matters, the order is not final. *Villines v. Harris*, 362 Ark. 393, 208 S.W.3d 763 (2005). Even though an issue on which a court renders a decision might be an important one, an appeal will be premature if the decision does not, from a practical standpoint, conclude the merits of the case. *Farrell v. Farrell*, 359 Ark. 1, 193 S.W.3d 734 (2004). It is important when seeking an appeal that attorneys are certain to follow the Rules of Appellate Procedure. It is especially paramount in cases where children are involved. Here, Russell filed a petition for registration and enforcement, and it is evident from the language of the circuit court's order that the trial court has not made a final disposition regarding enforcement. Therefore, the partial order is not final and appealable. We dismiss the appeal without prejudice.

Appeal dismissed.

PITTMAN and GLOVER, JJ., agree.

*Thomas E. Brown*, for appellant.

*Appellee*, pro se.