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# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CV-23-45

SIMON POCKRUS

APPELLANT

V.

KRISTY POCKRUS (NOW SAVOLD)

APPELLEE

Opinion Delivered February 21, 2024

APPEAL FROM THE BENTON  
COUNTY CIRCUIT COURT  
[NO. 04DR-12-2118]

HONORABLE JOHN R. SCOTT,  
JUDGE

DISMISSED WITHOUT PREJUDICE

## N. MARK KLAPPENBACH, Judge

This appeal concerns post-divorce proceedings. The divorce was granted in 2013. In 2021, the parties resumed litigation over visitation, custody, allegations of contempt, drug testing, the need for an attorney ad litem, discovery issues, and Kristy's request that Simon prepare a renewed Qualified Domestic Relations Order (QDRO) to effect a transfer to Kristy of her marital portion of Simon's retirement benefits.

After a hearing on the QDRO request, the circuit court issued an order on May 9, 2022, that required Simon to prepare a financial accounting and to transfer Kristy's marital portion of his retirement accounts to her. The May 9 order also found that Kristy was entitled to attorney's fees and costs related to the QDRO request. On June 10, 2022, the parties entered an agreed order recognizing that Simon was entitled to a reduction of his child-support obligation because one of their children had reached adulthood. The June 10

child-support order required the parties to exchange pertinent income information, and it recited that the parties

will endeavor to agree to the form and content of an agreed order as to the modification of [Simon's] previously ordered child support to be presented to the Court for entry. Should the parties be unable to agree to [Simon's] current presumptive support obligation the Court will retain jurisdiction to set such issue on for hearing and adjudication upon proper application and request of one or both of the parties hereto.

On June 13, 2022, the circuit court entered an order that awarded Kristy \$1,387.50 in attorney's fees related solely to the QDRO. Simon filed a notice of appeal on June 29, 2022, seeking to appeal the May 9, June 10, and June 13 orders.<sup>1</sup>

We first consider whether we have jurisdiction to entertain Simon's appeal. Kristy filed a motion to dismiss this appeal before Simon's appeal was submitted to a panel for resolution, which was denied by a majority of our twelve-member court. In her appellee's brief, Kristy raises a second jurisdictional argument. Even if the parties do not raise the issue, we are duty bound to confirm that we possess appellate jurisdiction over a final order. *Beard v. Beard*, 2019 Ark. App. 537, 590 S.W.3d 174.

Kristy contends that the June 10 child-support order is not final, rendering our court without appellate jurisdiction over Simon's appeal. We agree with Kristy, and we dismiss the appeal without prejudice due to lack of finality.

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<sup>1</sup>Simon's appellate briefs focus solely on the order concerning the QDRO and the order awarding attorney's fees related to the QDRO. Simon presents no argument about the June 10 child-support order.

Rule 2(a)(1) of the Arkansas Rules of Appellate Procedure-Civil provides that an appeal may be taken from a final judgment or decree that is entered by a circuit court. The finality of a circuit court's judgment or decree is a jurisdictional requirement, and its purpose is to avoid piecemeal litigation. *Roach v. Roach*, 2019 Ark. App. 34, 571 S.W.3d 487. For an order 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.* It must also put the court's directive into execution, ending the litigation or a separable part of it. *Id.*

The June 10 child-support order is not final because it tells the parties to either calculate an agreed child-support figure and present it to the court for purposes of entry of a child-support order or request a hearing for the circuit court to resolve the child-support-calculation issue. This contemplates further action because the Arkansas Supreme Court's Administrative Order No. 10 requires that child support be calculated to a sum certain. A decree that contemplates further judicial action is not final. *Roach, supra*. We lack appellate jurisdiction because the child-support order is not final for purposes of appeal, and the other two orders on appeal cannot be reached until there is a final, appealable order.

Dismissed without prejudice.

HIXSON and BROWN, JJ., agree.

*Hirsch Law Firm, P.A.*, by: *E. Kent Hirsch*, for appellant.

*Matthews, Campbell, Rhoads, McClure & Thompson, P.A.*, by: *Sarah L. Waddoups* and *Jordan Snoderly*, for appellee.

