IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
Assigned on Briefs April 4, 2016

IN RE SOPHIA P.

Appeal from the Circuit Court for Montgomery County
No. MCCCCVSA142261 John H. Gasaway, III, Judge

No. M2015-01978-COA-R3-PT – Filed May 23, 2016

This is an appeal from the trial court's denial of a petition for adoption and termination of parental rights filed by the minor child's maternal grandmother and step-grandfather. During the trial court proceedings, the minor child's natural father sought to have his paternity and parenting rights established. When the trial court denied the termination petition, it ordered the natural parents to attempt to agree upon a parenting plan. The trial court noted that it would enter a permanent parenting plan on its own if the parents could not reach an agreement. Because the record transmitted to us does not indicate that the trial court ever entered a permanent parenting plan, there is an absence of a final judgment in this case. We therefore dismiss this appeal for lack of subject matter jurisdiction.

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

ARNOLD B. GOLDIN, J., delivered the opinion of the Court, in which D. MICHAEL SWINEY, C.J., and W. NEAL MCBRAYER, J., joined.

Gregory D. Smith, Clarksville, Tennessee, for the appellants, T. P., and C. P.

Christopher J. Pittman and Zachary L. Talbot, Clarksville, Tennessee, for the appellee, C.C.

J. P., Appellee.[1]

OPINION

On November 5, 2014, the minor child's maternal grandmother and step-grandfather ("Grandparents") filed a petition for adoption and termination of parental rights in the

[1] Appellee J. P. did not file a brief or otherwise participate in this appeal.

Montgomery County Circuit Court. Named as respondents in the petition were J.P. ("Mother"),[2] the minor child's natural mother, and C.C. ("Father"), the minor child's natural father. The petition alleged that the minor child had been in Grandparents' custody since shortly after her birth and contended that both natural parents had abandoned the child. The petition further represented that Grandparents were "fit and proper people" to have custody of the child and stated that adoption was in the child's best interest. Shortly after the filing of Grandparents' petition, Father filed a number of pleadings seeking to establish his paternity and parental rights with respect to the minor child.

On July 15, 2015, the trial court held an evidentiary hearing in the case. Although the trial court made a number of oral rulings at the conclusion of the hearing, its findings were not memorialized by a written order until September 16, 2015. In its written order, the trial court denied Grandparents' termination petition and granted Father's "Petition to Establish Paternity and Petition for Entry of Parenting Plan." Moreover, upon determining that custody of the minor child should be restored to both natural parents, the trial court specifically instructed Mother and Father to "attempt to enter into a Parenting Plan to present to the Court." The trial court indicated that it would determine an appropriate parenting plan for the child if Mother and Father were unable to reach an agreement.

Although Grandparents have since pursued an appeal of the trial court's refusal to grant their termination petition, we conclude that we are without jurisdiction to review the trial court's actions. Notwithstanding the trial court's indication that it would enter a parenting plan to resolve Mother's and Father's rights to the child, we observe that the record transmitted to us on appeal does not contain a permanent parenting plan with an attached child support worksheet. As such, there is an absence of a final judgment. "Unless an appeal from an interlocutory order is provided by the rules or by statute, appellate courts have jurisdiction over final judgments only." *Bayberry Assocs. v. Jones*, 783 S.W.2d 553, 559 (Tenn. 1990) (citation omitted). "A final judgment is one that resolves all the issues in the case, 'leaving nothing else for the trial court to do.'" *In re Estate of Henderson*, 121 S.W.3d 643, 645 (Tenn. 2003) (citation omitted). Here, there is clearly something further for the trial court to do. Because we did not grant an interlocutory appeal, and the trial court did not certify its judgment as final pursuant to Rule 54.02 of the Tennessee Rules of Civil Procedure, a final judgment is a condition precedent to our exercise of jurisdiction.

Previously, in a per curiam order entered on April 15, 2016, we outlined the fact that a final judgment was lacking in this case. We did not, however, summarily dismiss the appeal. In pertinent part, we ordered as follows:

[2] In cases involving minor children, it is the policy of this Court to redact the names of minor children and their relatives to protect their identities.

> If a permanent parenting plan with attached child support worksheet was in fact entered prior to the appellate briefing in this matter, we hereby instruct the trial court clerk to transmit a certified, supplemental record to the Clerk of this Court within fifteen (15) days from the entry of this order or if no permanent parenting plan with attached child support worksheet was entered prior to the appellate briefing in this matter, the Appellant shall show cause within the same said fifteen (15) days why this appeal should not be dismissed for failure to appeal an appealable order or judgment.

Since the entry of our April 15 order, the Clerk of this Court has not received a supplemental record, and Appellants have not filed a response showing cause why the appeal should not be dismissed. Based on Appellants' failure to respond to our order and the fact that the record transmitted to us indicates the absence of a final, appealable judgment, we hereby dismiss this appeal for lack of subject matter jurisdiction. Costs of this appeal are assessed against the Appellants, T.P. and C.P., and their surety, for which execution may issue if necessary. This case is remanded to the trial court for the collection of costs, enforcement of the judgment, and for such further proceedings as may be necessary and are consistent with this Opinion.

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ARNOLD B. GOLDIN, JUDGE