

Court of Appeals of the State of Georgia

ATLANTA, October 06, 2026

The Court of Appeals hereby passes the following order:

A26A1200. IN THE INTEREST OF B. C., et al., CHILDREN.

In this child dependency proceeding, William Dupree and Valerie Dupree filed a motion to intervene along with a petition for permanent guardianship of their nephews, H. H. and B. C. The juvenile court denied the motion to intervene, and the Duprees filed this direct appeal. We, however, lack jurisdiction.

“Generally, the denial of a motion to intervene is not a final judgment and thus, is reviewable under the interlocutory appeal procedure.”¹ In the jurisdictional statement in their appellate brief, the Duprees cite OCGA § 5-6-34(a)(11), which authorizes direct appeals from certain orders in child custody cases. But our Supreme Court held in *Voyles v. Voyles*² that a judgment or order is not directly appealable under OCGA § 5-6-34 (a) (11) unless the case also involves custody as “an issue on appeal.”³

The Duprees’ appeal from the intervention order “does not directly challenge

¹ *In re L. R. M.*, 333 Ga. App. 3(1) (775 SE2d 254) (2015).

² 301 Ga. 44 (799 SE2d 160) (2017).

³ See *id.* at 47 (“[T]he ‘issue-raised-on-appeal’ rule applies to appeals from orders or judgments in child custody cases. This means that the proper appellate procedure to employ depends upon the issue involved in the appeal, even if the order or judgment being challenged on appeal was of the type listed in OCGA § 5-6-34(a)(11) and was entered in a child custody case.”).

a substantive ruling regarding child custody.”⁴ Instead, all of their arguments on appeal concern the juvenile court’s finding that they were not entitled to intervene as a matter of right pursuant to OCGA § 9-11-24(a)(2). Accordingly, this case is not subject to direct appeal under OCGA § 5-6-34(a)(11).

To obtain appellate review of this interlocutory order, therefore, the Duprees were required to follow the procedures set forth in OCGA § 5-6-34(b). Because they did not do so, we dismiss this appeal for lack of appellate jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/06/2026

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Christina Bailey Smith

, Clerk.

⁴ *Capehart v. Mitchell*, 358 Ga. App. 86, 88(2) (851 SE2d 846) (2020) (direct appeal not authorized under OCGA § 5-6-34(a)(11) because all of appellant’s arguments on appeal concerned the trial court’s ruling as to an individual’s status as an intervening party rather than the court’s substantive rulings on child custody).