

Court of Appeals of the State of Georgia

ATLANTA, April 21, 2026

The Court of Appeals hereby passes the following order:

A26A1493. KENTAY SMITH v. KYRA LONG.

In May 2025, the trial court entered a permanent parenting plan, awarding joint legal custody to Kentay Smith and Krya Long, the parents of a minor child, with Long having primary physical custody. In August 2025, the trial court suspended Smith's visitation rights. On October 17, 2025, the trial court entered a final order, granting Long's motion to keep her address confidential and denying Smith's motion for contempt. The court then issued a rule nisi setting a hearing for February 2, 2026, and Smith filed a motion for clarification on February 5, 2026, seeking direction regarding the court's previous orders. On February 19, 2026, the trial court entered an order stating that the rule nisi was issued in error and that the case had been closed on October 17, 2025. On March 2, 2026, Smith filed a notice of appeal. We lack jurisdiction.

A notice of appeal must be filed within 30 days of entry of the judgment or trial court order sought to be appealed. OCGA § 5-6-38(a). The proper and timely filing of a notice of appeal is an absolute requirement to confer appellate jurisdiction on this Court. *Perlman v. Perlman*, 318 Ga. App. 731, 739(4) (734 SE2d 560) (2012). While some orders in child custody cases are directly appealable under OCGA § 5-6-34(a)(11), in this case, the trial court made no new substantive custody rulings in its February 19 order and that order is not appealable. And Smith's March 2 notice of appeal — filed 136 days after the court's October 17 order — is untimely as to that order. See OCGA § 5-6-38(a).

Accordingly, this appeal is hereby DISMISSED. Smith has also filed a motion to expedite the appeal and a motion for emergency consideration of the motion to expedite. Because we lack jurisdiction, those motions are likewise DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 04/21/2026

*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.