

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Bray and Overton
Argued at Norfolk, Virginia

CHARLES JOSEPH KRATZ

v. Record No. 2213-94-1

MEMORANDUM OPINION* BY
JUDGE NELSON T. OVERTON
OCTOBER 17, 1995

BELINDA KAY NELSON KRATZ

FROM THE CIRCUIT COURT OF THE CITY OF NORFOLK
Alfred W. Whitehurst, Judge

Anthony S. Mulford for appellant.

Charles R. Hofheimer (Charles R. Hofheimer,
P.C., on brief), for appellee.

Charles Joseph Kratz appeals the circuit court's pendente lite order allowing custody of his two children to remain with his wife Belinda Kay Nelson Kratz. Because this order is an interlocutory decree rather than a final decree, we dismiss the appeal.

The Court of Appeals has appellate jurisdiction over the final decrees of a circuit court in domestic relations matters arising under Titles 16.1 or 20, as well as any interlocutory decree or order involving the granting, dissolving, or denying of an injunction or "adjudicating the principles of a cause." Code § 17-116.05(3)(f) and (4). An interlocutory order that adjudicates the principles of a cause must determine the rights of the parties and must "of necessity affect the final order in

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

the case." Pinkard v. Pinkard, 12 Va. App. 848, 851, 407 S.E.2d 339, 341 (1991). The mere possibility that the order may affect the final outcome does not necessitate an immediate appeal.

Polumbo v. Polumbo, 13 Va. App. 306, 307, 411 S.E.2d 229, 229 (1991).

The pendente lite custody award in this case is not a final decree; it does not grant, dissolve, or deny an injunction; it does not affect necessarily the final decision in the circuit court divorce suit. Accordingly, the order is not appealable at this time.

The appeal is dismissed.

Dismissed.