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bound by the language contained in the specific statutes under which Barbara sought a protection order.

In our de novo review, we find that the facts Barbara alleged in the present case do not constitute abuse within the contemplation of § 42-903 (Reissue 2008). As such, the record does not support the district court's entry of a protection order pursuant to § 42-924. Accordingly, we conclude that the district court's order affirming the domestic abuse protection order should be reversed, and we direct the district court to enter an order dismissing the domestic abuse protection order against Kurt.

CONCLUSION

For the aforementioned reasons, we reverse, and remand with directions to vacate the protection order against Kurt and dismiss the action.

REVERSED AND REMANDED WITH DIRECTIONS.

JOSHUA M. JONES, APPELLANT, V.
JILLIAN Z. BELGUM, APPELLEE.
770 N.W.2d 667

Filed June 30, 2009. No. A-09-200.

1. **Child Support: Rules of the Supreme Court: Records: Appeal and Error.** The record on appeal from an order imposing or modifying child support shall include any applicable Nebraska Child Support Guidelines worksheets with the trial court's order. Failure to include such worksheets in the record will result in summary remand of the trial court's order.
2. **Jurisdiction: Appeal and Error.** After an appeal to an appellate court has been perfected in a civil case, a lower court is without jurisdiction to hear a case involving the same matter between the same parties.

Appeal from the District Court for Lancaster County: ROBERT R. OTTE, Judge. Motion overruled, and cause remanded with direction.

Kelly T. Shattuck, of Vacanti Shattuck, for appellant.

No appearance for appellee.

INBODY, Chief Judge, and SIEVERS and CASSEL, Judges.

CASSEL, Judge.

This matter comes before us on Joshua M. Jones' motion requesting a second extension of his brief due date. He seeks an extension so that he may obtain a child support calculation worksheet from the district court, because the court did not include such a worksheet with its order.

[1] Recently, in *Rutherford v. Rutherford*, 277 Neb. 301, 308, 761 N.W.2d 922, 927 (2009), the Nebraska Supreme Court declared that "effective upon the filing of this opinion, the record on appeal from an order imposing or modifying child support shall include any applicable worksheets with the trial court's order. Failure to include such worksheets in the record will result in summary remand of the trial court's order." Jones' motion asserts that the court's order—entered prior to release of *Rutherford*—failed to include a child support worksheet. We are bound by *Rutherford* to summarily remand the matter to the district court.

[2] Jones' motion seeks to save the appeal by obtaining the necessary worksheet from the district court, including the worksheet in the appellate record, and then making arguments before this court. Generally, after an appeal to an appellate court has been perfected in a civil case, a lower court is without jurisdiction to hear a case involving the same matter between the same parties. *In re Guardianship & Conservatorship of Woltemath*, 268 Neb. 33, 680 N.W.2d 142 (2004). Because the filing of the notice of appeal divests the district court of jurisdiction—with some exceptions which do not appear applicable to the situation here—we overrule Jones' motion and remand the matter to the district court with direction to prepare the applicable child support worksheet. Once the district court has completed the worksheet, filing a new appeal will be necessary.

While the delay and additional expense associated with this remand are unfortunate, there is a procedural tool—a motion to alter or amend a judgment—readily available to "avoid an expensive and time-consuming remand from the appellate court for preparation of child support worksheets." *Moore v. Bauer*,

11 Neb. App. 572, 581, 657 N.W.2d 25, 33 (2003) (Sievers, Judge, concurring). We emphasize the importance of using this procedural device in the future.

MOTION OVERRULED, AND CAUSE REMANDED WITH DIRECTION.