

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 9/26/2013
RUTH A. WILLINGHAM,
CLERK
BY: mjt

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

MARK B.,) 1 CA-JV 13-0132
)
Appellant,) DEPARTMENT B
)
v.) Maricopa County Superior
) Court No. JS12371
ARIZONA DEPARTMENT OF ECONOMIC) JS12376
SECURITY, R.D.,)
) **DECISION ORDER**
Appellees.)
)

This court has an independent duty to determine whether it has jurisdiction. *Sorenson v. Farmers Ins. Co.*, 191 Ariz. 464, 465, 957 P.2d 1007, 1008 (App. 1997). We lack jurisdiction to consider appeals not timely filed. *Maricopa Cnty. Juv. Action No. JS-1009*, 26 Ariz. App. 518, 518, 549 P.2d 613, 613 (1976). Rule 104 of the Arizona Rules of Procedure for the Juvenile Court requires an appeal to be filed "no later than 15 days after the final order is filed with the clerk."

Here, the juvenile court entered the final order on June 3, 2013. Father filed a premature notice of appeal on May 21, 2013. Nevertheless, both parties assert we have jurisdiction under *Craig v. Craig*, 227 Ariz. 105, 107, ¶ 13, 253 P.3d 624, 626 (2011) ("a limited exception to the final judgment rule . . . allows a notice of appeal to be filed after the trial

court has made its decision, but before it has entered a formal judgment, if no decision of the court could change and the only remaining task is merely ministerial. In all other cases, a notice of appeal filed in the absence of a final judgment . . . is ineffective and a nullity." (emphasis omitted) (citations omitted) (internal quotation marks omitted).

Assuming, without deciding, *Craig* applies here, the remaining tasks were more than ministerial¹ thus making Father's notice of appeal a nullity.

IT IS ORDERED dismissing the appeal for lack of jurisdiction.

/s/

PATRICIA K. NORRIS, Judge

¹When Father filed his notice of appeal, the juvenile court still had to rule on the motion for summary judgment [as to paternity] filed by the Arizona Department of Economic Security ("ADES") and approve and enter the findings of fact, conclusions of law, and order lodged by ADES on May 9, 2013.