

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of J.D., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20061125-CA
)	
J.D.,)	F I L E D
)	(March 22, 2007)
Appellant,)	
v.)	2007 UT App 106
)	
State of Utah,)	
)	
Appellee.)	

Second District Juvenile, Ogden Department, 980063
The Honorable Kathleen M. Nelson

Attorneys: Jonathan B. Pace, Ogden, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce and Sherene Dillon, Salt Lake City,
Guardians Ad Litem

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

Appellant J.D. (Father) appeals the juvenile court's
dispositional order. We dismiss the appeal for lack of
jurisdiction.

A notice of appeal in a child welfare case must be filed
with the juvenile court within fifteen days after entry of the
order appealed. See Utah R. App. P. 52(a). The notice of appeal
"must be signed by the appellant's counsel and by the appellant."
Utah R. App. P. 53(b). If counsel files a notice of appeal
without the appellant's signature, counsel "shall
contemporaneously file, with the clerk of the juvenile court, a
certification that substantially complies with the Counsel's
Certification of Diligent Search form that accompanies these
rules." Id. "Under those circumstances, counsel may then file
an amended notice of appeal adding appellant's signature within

fifteen days of the filing of the initial notice of appeal." In re D.E., 2006 UT App 391, ¶4, 147 P.3d 462 (per curiam); see also Utah R. App. P. 53(b) ("An amended notice of appeal adding appellant's signature shall be filed within 15 days of the filing of the notice of appeal or the appeal shall be dismissed.").

On December 12, 2006, Father's counsel filed a notice of appeal that was not signed by Father, but was accompanied by counsel's Certification of Diligent Search. The time for filing an amended notice of appeal expired on December 27, 2006. On December 28, 2006, counsel filed in the juvenile court an amended notice of appeal adding Father's signature. The initial petition on appeal and two amended petitions each incorrectly represented to this court that the amended notice of appeal was timely filed on December 27, 2006.

The amended notice of appeal was not filed within fifteen days after the initial notice of appeal's filing. Accordingly, the amended notice of appeal was untimely. See Utah R. App. P. 53(b); see also In re D.E., 2006 UT App 391 at ¶4. If an appeal is not timely filed, we lack jurisdiction and must dismiss the appeal. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶7, 13 P.3d 616.

We dismiss the appeal for lack of jurisdiction.

Pamela T. Greenwood,
Associate Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge