

IN THE UTAH COURT OF APPEALS

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B.W.H. and S.H.,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Respondents and Appellants,	)	Case No. 20100634-CA
	)	
v.	)	
	)	F I L E D
Division of Child and Family	)	(November 4, 2010)
Services,	)	
	)	2010 UT App 304
Petitioner and Appellee.	)	

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Seventh District Juvenile, Price Department, 1033659  
The Honorable Scott N. Johansen

Attorneys: Ronald C. Barker, Salt Lake City, for Appellants  
Mark L. Shurtleff, Carol L.C. Verdoia and John M.  
Peterson, Salt Lake City, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Orme, Roth, and Christiansen.

PER CURIAM:

B.W.H. and S.H. appeal from a June 30, 2010 order dismissing their "Petition for Judicial De Novo Review of Agency Action Substantiated Finding."

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, see Utah R. App. P. 3(a), or qualifies for an exception to the final judgment rule, see Loffredo v. Holt, 2001 UT 97, ¶¶ 10, 15, 37 P.3d 1070. An order is final only if it disposes of the case as to all parties and "finally dispose[s] of the subject-matter of the litigation on the merits of the case." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649 (internal quotation marks omitted); see also In re H.J., 1999 UT App 238, ¶ 27, 986 P.2d 115 ("A final, appealable order is one that ends the current juvenile proceedings, leaving no question open for further judicial action. An order which does not completely determine the rights of the parties . . . is merely interlocutory in nature."). Further, "a trial court must determine the amount of attorney fees awardable to a party before the judgment becomes final for the purposes of an appeal under Utah Rule of Appellate Procedure

3." ProMax Dev. Corp. v. Raile, 2000 UT 4, ¶ 15, 998 P.2d 254; see also In re S.M., 2006 UT 75, ¶ 7, 154 P.3d 787 (concluding that ProMax applies to juvenile court cases).

The order appealed from is not a final appealable order because it does not completely determine the rights of the parties. Specifically, the June 30, 2010 order states, "Attorney's fees are ordered reimbursed to the Guardian ad Litem, pursuant to [Utah Code section] 78A-6-602(6)(c) in an amount stipulated by the parties, or to be determined after further hearing." Therefore, because the juvenile court has not yet resolved the amount of attorney fees that should be reimbursed to the Guardian Ad Litem, the order from which B.W.H. and S.H. appeal is not final. See In re S.M., 2006 UT 75, ¶ 7. Further, no exceptions to the final judgment rule apply in this case. See Loffredo, 2001 UT 97, ¶ 15. Therefore, we lack jurisdiction over the appeal. When this court lacks jurisdiction, it must dismiss the appeal. See id. ¶ 11.

The appeal is dismissed without prejudice to the filing of a timely appeal from a final order.

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Gregory K. Orme, Judge

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Stephen L. Roth, Judge

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Michele M. Christiansen, Judge