IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest of D.N., A.S., A.N., J.Z., and) MEMORANDUM DECISION) (Not For Official Publication)
A.S., persons under eighteen years of age.) Case No. 20050929-CA
C.N.,	FILED (December 1, 2005)
Appellant,	2005 UT App 516
v.	
State of Utah,))
Appellee.)

Third District Juvenile, Salt Lake Department, 456839 The Honorable Kimberly K. Hornak

Attorneys: Julie George, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Davis, Orme, and Thorne.

PER CURIAM:

Appellant C.N. appeals from a signed minute entry terminating her parental rights. The State has moved for summary disposition on the basis of lack of jurisdiction. See Utah R. App. P. 10(a)(1).

An appeal may be taken only from a final judgment or order. <u>See</u> Utah R. App. P. 3(a). "Absent a final [judgment or] order, [this] court lacks jurisdiction and must dismiss the appeal." <u>Reagan v. Blount</u>, 1999 UT App 154, \P 4, 978 P.2d 1051 (per curiam).

"A signed minute entry will not be considered a final order where its language indicates that it is not intended as final." <u>State v. Leatherbury</u>, 2003 UT 2,¶9, 65 P.3d 1180. When further action is contemplated by the order, it is not deemed final and appealable. <u>See id.</u> The signed minute entry in this case

contemplated further action, specifically, that the State "prepare a written order consistent with the court's ruling." Therefore, it is not final.

When an appeal is taken in the absence of a final order, this court lacks jurisdiction to consider the appeal. <u>See</u> Utah R. App. P. 3(a). "When a matter is outside the court's jurisdiction, it retains only the authority to dismiss the action." <u>Varian-Eimac, Inc. v. Lamoreaux</u>, 767 P.2d 569, 570 (Utah Ct. App. 1989).

Accordingly, this appeal is dismissed, without prejudice to the timely filing of a notice of appeal from a final judgment or order entered by the juvenile court.

James Z. Davis, Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge