

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of R.B., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20090957-CA
	)	
D.B. and D.B.,	)	F I L E D
	)	(January 28, 2010)
Appellants,	)	
	)	2010 UT App 17
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Seventh District Juvenile, Moab Department, 1000507  
The Honorable Mary Manley

Attorneys: Keith Andrew Fitzgerald, Moab, for Appellants  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges McHugh, Orme, and Bench.<sup>1</sup>

PER CURIAM:

D.B. and D.B. (Mother) appeal the juvenile court's order granting temporary custody of their child, R.B., to the Division of Child and Family Services (DCFS). Because the juvenile court's order is not a final, appealable order, we dismiss the appeal.<sup>2</sup>

Generally, appeals may be taken only from final orders. See Utah R. App. P. 3. For a juvenile court order to be final, it

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<sup>1</sup>The Honorable Russell W. Bench, Senior Judge, sat by special assignment pursuant to Utah Code section 78A-3-102 (2008) and rule 11-201(6) of the Utah Rules of Judicial Administration.

<sup>2</sup>This court previously denied Appellants' petition for permission to appeal an interlocutory order.

"must end the current juvenile proceedings, leaving no question open for further judicial action." In re K.F., 2009 UT 4, ¶ 36, 201 P.3d 985. "[T]he determining factor in deciding if an order is final and appealable is whether it effects a change in the permanent status of the child." Id. (quoting In re A.F., 2007 UT 69, ¶ 3, 167 P.3d 1070).

The order appealed here does not result in a permanent change in R.B.'s status. Rather, DCFS was granted only temporary custody of R.B. Further judicial proceedings are required to determine the ultimate placement or status of R.B. Mother has the opportunity to regain custody after completing additional services. Accordingly, the subject order is not a final, appealable order. Where an appeal is not properly taken, this court lacks jurisdiction and must dismiss the appeal. See Bradbury v. Valencia, 2000 UT 50, ¶ 8, 5 P.3d 649.

Dismissed.

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Carolyn B. McHugh,  
Associate Presiding Judge

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Gregory K. Orme, Judge

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Russell W. Bench, Senior Judge