

IN THE UTAH COURT OF APPEALS

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State of Utah, in the)	MEMORANDUM DECISION
interest of B.C.G., a)	(Not For Official Publication)
person under eighteen years)	
of age.)	Case No. 20070881-CA
_____)	
)	
M.H.,)	F I L E D
)	(January 10, 2008)
Appellant,)	
v.)	2008 UT App 14
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 500851
The Honorable C. Dane Nolan

Attorneys: Richard R. Golden and J. David Milliner, Salt Lake City, for Appellant
Mark L. Shurtleff, Carol L.C. Verdoia, and John M. Peterson, Salt Lake City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Thorne, McHugh, and Orme.

PER CURIAM:

M.H. (Appellant) appeals the juvenile court's order denying her motion for temporary custody.

Generally, 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); see also In re S.A.K., 2003 UT App 87, ¶ 13, 67 P.3d 1037. Although there may be several final orders in a child welfare case, to be appealable a child welfare order must finally determine the rights of the parties. See id.; see also In re H.J., 1999 UT App 238, ¶¶ 26, 27, 986 P.2d 115.

The denial of a motion for temporary custody pending a final disposition or placement of children is not a final, appealable order because the parties' legal rights and relationships have not been fully determined. See In re H.J., 1999 UT App 238, ¶¶ 26, 27. A final, appealable order is one that ends the juvenile proceeding, leaving no question open for further judicial action. See id. An order which does not completely

determine the rights of the parties is merely interlocutory in nature. See id.

Here, the decision appealed from is not a final, appealable order because it does not reach a final decision regarding Appellant's permanent custodial rights. The order denying temporary custody does not sever Appellant's rights; rather, it simply does not extend additional rights and responsibilities as requested. There has been no final resolution regarding Appellant's relationship with B.C.G. The final disposition pertaining to B.C.G. remains pending before the juvenile court. Because the order appealed from is not a final, appealable order, this court lacks jurisdiction to consider this appeal.¹ See id.

Accordingly, Appellant's petition is dismissed.

William A. Thorne Jr.,
Associate Presiding Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge

1. Alternatively, Appellant asserts that this court should construe the petition as one for an interlocutory appeal. The petition does not comply with the requirements of rule 5 of the Utah Rules of Appellate Procedure. Thus, we decline to consider it an interlocutory appeal.