

IN THE UTAH COURT OF APPEALS

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In the matter of the adoption of A.W.)	MEMORANDUM DECISION
_____)	(Not For Official Publication)
)	Case No. 20100633-CA
B.W.H. and S.H.,)	
Appellants,)	F I L E D
)	(November 4, 2010)
v.)	2010 UT App 305
State of Utah,)	
Appellee.)	

Seventh District Juvenile, Price Department, 1025019
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

Before Judges Orme, Roth, and Christiansen.

PER CURIAM:

B.W.H. and S.H. appeal from a June 30, 2010 order dismissing their petition to adopt A.W. This court lacks jurisdiction because there is no final, appealable order.

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.

Gregory K. Orme, Judge

Stephen L. Roth, Judge

Michele M. Christiansen, Judge