

IN THE UTAH COURT OF APPEALS

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In the matter of the adoption)	MEMORANDUM DECISION
of A.W.)	(Not For Official Publication)
_____)	
)	Case No. 20100638-CA
B.W.H.,)	
)	
Appellant,)	F I L E D
)	(November 4, 2010)
)	
v.)	2010 UT App 306
)	
State of Utah,)	
)	
Appellee.)	

Seventh District Juvenile, Price Department, 1032526
The Honorable Scott N. Johansen

Attorneys: Ronald C. Barker, 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 Orme, Roth, and Christiansen.

PER CURIAM:

B.W.H. seeks to appeal from a June 30, 2010 order entered in juvenile case number 1025019. This court does not have jurisdiction to review the order in this case because the order B.W.H. seeks to appeal was never entered in this case and because B.W.H. is not a party to this case.

The specific order B.W.H. seeks to appeal dismissed B.W.H. and his wife's petition to adopt A.W. in juvenile case number 1025019. The order also denied B.W.H. and his wife's motion to vacate A.W.'s adoption as well as their objection to A.W.'s adoption, both of which were filed in juvenile case number 1025019, not the present case. B.W.H. was not a party to this case, which adjudicated another couple's adoption of A.W. The decree of adoption was entered on April 28, 2010. B.W.H. did not file any pleading in this case until July 20, 2010, twenty days after the order B.W.H. seeks to appeal was entered.

Therefore, because the order B.W.H. seeks to appeal was never entered in this case and because B.W.H. was not a party to this case, this court lacks jurisdiction to review the order entered by the juvenile court in the context of this appeal. See generally Fisher v. Fisher, 2003 UT App 91, ¶ 18, 67 P.3d 1055 (stating that a non-party to the underlying action had to file a motion to intervene for the court to have jurisdiction over the claim). When a court lacks jurisdiction, it "retains only the authority to dismiss the action." Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989).

Accordingly, we dismiss the appeal.

Gregory K. Orme, Judge

Stephen L. Roth, Judge

Michele M. Christiansen, Judge