

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah, in the interest)	MEMORANDUM DECISION	
of D.M., D.M., and D.A.,)	(Not For Official Publication)	
persons under eighteen years)		
of age.)	Case No. 20060657-CA	
_____)		
)	F I L E D	
D.A.,)	(August 31, 2006)	
)		
Appellant,)	<table border="1"><tr><td>2006 UT App 361</td></tr></table>	2006 UT App 361
2006 UT App 361			
)		
v.)		
)		
State of Utah,)		
)		
Appellee.)		

Second District Juvenile, Ogden Department, 164030
The Honorable Kathleen M. Nelson

Attorneys: Randall W. Richards, Ogden, for Appellant
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake
City, for Appellee
Martha Pierce and Sherene Dillon, Salt Lake City,
Guardians Ad Litem

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

D.A. (Mother) appeals the juvenile court's order adjudicating her children as neglected. After a review of the record, it is apparent that this court lacks jurisdiction and must dismiss the appeal.

The order from which Mother appeals was entered in January 2006. Although Mother represented herself at trial, she requested appointed counsel for appeal. Through no fault of her own, Mother's appointed counsel did not file her notice of appeal within the prescribed period. After noting the error, counsel moved the juvenile court to reinstate the time for appeal pursuant to Manning v. State, 2005 UT 61, 122 P.3d 628. The juvenile court granted the motion by order dated June 19, 2006,

ordering that the "timeframe to file a notice of appeal shall be reinstated."

The time frame in which to file a notice of appeal in a child welfare proceeding is fifteen days from the date of the order. See Utah R. App. P. 52(a). The juvenile court's order reinstated the fifteen-day time period, running from the date of that order. Mother's notice of appeal was filed on July 10, twenty-one days after the entry of the order reinstating her time to appeal. Thus, even if the juvenile court properly reinstated the time for appeal, the notice of appeal is untimely. See id. If an appeal is not timely filed, this court lacks jurisdiction and must dismiss the appeal. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶7, 13 P.3d 616.

Dismissed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge