

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of D.K., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20080898-CA
)	
C.K.,)	F I L E D
)	(December 11, 2008)
Appellant,)	
)	2008 UT App 445
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake City Department, 514143
The Honorable Andrew A. Valdez

Attorneys: T. Laura Lui, Salt Lake City, for Appellant
Mark L. Shurtleff, Carol L.C. Verdoia, and John M.
Peterson, Salt Lake City, for Appellee

Before Judges Greenwood, Thorne, and Orme.

PER CURIAM:

C.K. (Mother) appeals the termination of her parental rights. We dismiss the appeal.

This court's jurisdiction over child welfare cases is governed by statute. See Utah Code Ann. § 78A-6-1109 (Supp. 2008). Utah Code section 78A-6-1109(2) provides that an appeal from an order terminating a parent's rights must be filed within fifteen days of the date the order was entered. See id. § 78A-6-1109(2). Further, the notice of appeal must be signed by both appellant's counsel and the appellant. See id. Similarly, rule 53 of the Utah Rules of Appellate Procedure reiterates that a notice of appeal in a child welfare case "must be signed by appellant's counsel and by appellant." Utah R. App. P. 53(b). If counsel fails to obtain the appellant's signature, counsel must file a certification of diligent search. See id. If counsel has complied with his or her obligation to file a certification of diligent search, counsel must then file an

amended notice of appeal adding appellant's signature within fifteen days of the original notice of appeal or the appeal shall be dismissed. See id.

In this case, the juvenile court issued its order terminating Mother's parental rights on October 15, 2008. Mother was required to file her notice of appeal on or before October 30, 2008. See Utah Code Ann. § 78A-6-1109; see also Utah R. App. P. 53. On October 30, 2008, Mother's counsel filed a notice of appeal that was not signed by Mother. Thus, Mother's counsel was required to contemporaneously file a certification of diligent search with the clerk of the juvenile court. See Utah R. App. P. 53(b). Mother's counsel asserts that she filed a certification of diligent search. However, the juvenile court has no record of the certification being filed.

Even assuming that Mother's counsel did contemporaneously file the certification of diligent search, it is undisputed that Mother's counsel failed to file an amended notice of appeal adding Mother's signature within fifteen days of the filing of the original notice of appeal. Thus, pursuant to rule 53(b), this court is required to dismiss the appeal. See id.

Accordingly, Mother's appeal is dismissed.

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

Gregory K. Orme, Judge