IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest of K.G. and A.G., persons under eighteen years of age. _____ K.B., Appellant, v. State of Utah, Appellee.	MEMORANDUM DECISION (Not For Official Publication) Case No. 20090112-CA F I L E D (April 30, 2009) 2009 UT App 116

Third District Juvenile, Salt Lake Department, 1008262
The Honorable Kimberly K. Hornak

Attorneys: Colleen K. Coebergh, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

K.B. (Aunt) appeals the juvenile court's order concluding that she lacked standing to be involved in the juvenile court proceedings and, as such, she was not entitled to reunification services with K.G. and A.G., her nephew and niece. We affirm.[1]

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[1]The Guardian Ad Litem has argued that this court lacks jurisdiction because an order concerning standing is not a final, appealable order. This issue has not been briefed by the parties. Because the case is so easily resolved on the merits, we will assume that we have jurisdiction.

Aunt asserts that because the children were removed from her custody, and because she was the only "mother" the children ever knew, she was entitled to an adjudication of claims against her that led to the removal of the children from her. Further, she argues that she should be granted reunification services. However, Aunt is not entitled to an adjudication or reunification services because she is not the children's parent or guardian.

Utah Code sections 78A-6-312 through -314 expressly limit reunification services to parents and guardians.[2] See, e.g., Utah Code Ann. § 78A-6-314(4)(a) (2008). Aunt admits that while she has had custody of the children and cared for them as if they were her own children, she has taken no steps to become the guardian of the children. See id. §§ 75-5-201 to -212 (1993 & Supp. 2008) (setting forth the steps necessary to become a guardian); see also In re V.K.S., 2003 UT App 13, ¶¶ 8-10, 63 P.3d 1284 (discussing procedures for becoming a guardian of a minor). Thus, Aunt is neither the children's parent or guardian. Further, the Utah Supreme Court has previously stated that "[r]elatives other than the parents have no such rights in a child as to require service of process in [a termination] proceeding, nor to have an adjudication of the severance of any asserted right." Wilson v. Family Servs. Div., 554 P.2d 227, 230 (Utah 1976) (emphasis added). Accordingly, because Aunt was not a parent or guardian of the children, she had no legally protected right to have an adjudication of the severance of any right and had no right to reunification services. As a result, Aunt did not have standing. See In re M.W., 2000 UT 79, ¶ 12, 12 P.3d 80 (stating that to have standing one must meet one of three criteria: (1) have a legally protectible interest in the controversy, (2) no one has a greater interest and the issue is unlikely to be raised at all if standing is denied, or (3) the

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[2]The statutes are not entirely consistent. In most instances the statutes reference reunification services only in regard to parents. See, e.g., Utah Code Ann. § 78A-6-314(2)(a) (2008). However, in other instances the statutes reference both parents and guardians. See, e.g., id. § 78A-6-314(4)(a).

issues raised are of great public importance and ought to be judicially resolved).[3]

Affirmed.

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Russell W. Bench, Judge

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Gregory K. Orme, Judge

I DISSENT:

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William A. Thorne Jr.,
Associate Presiding Judge

[3]As the juvenile court remarked, Aunt may still file a petition for custody of the children. Cf. In re H.J., 1999 UT App 238, ¶ 21, 986 P.2d 115 (discussing a grandmother's right to appeal after petition for permanent guardianship was denied).