

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of L.O., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20090811-CA
)	
The Navajo Nation,)	F I L E D
)	(November 27, 2009)
Appellant,)	
)	2009 UT App 349
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, West Jordan Department, 533956
The Honorable James R. Michie Jr.

Attorneys: Keith Andrew Fitzgerald, Moab, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

The Navajo Nation appeals the juvenile court's order denying its renewed motion to transfer jurisdiction. We dismiss the appeal.

Appeals may be taken from final orders and judgments. See Utah R. App. P. 3(a). The Utah Supreme Court has explained that "[t]he finality of an order in juvenile proceedings is determined the same way as the finality of an order in other courts." In re A.F., 2007 UT 69, ¶ 3, 167 P.3d 1070. In order for a juvenile court's order to be a final, appealable order, the order must "end the current juvenile proceedings, leaving no question open for further judicial action." Id. "In the child welfare arena, the determining factor in deciding if an order is final and appealable is whether it effects a change in the permanent status of the child." Id. Thus, a child welfare order is appealable only if it effects a change in the permanent status of the child. See id. ¶ 4.

The August 25, 2009 order denying the renewed motion to transfer jurisdiction did not change the permanent status of L.O. and "served only as an interim determination made in anticipation of additional proceedings." Id. Because further judicial action is required to change L.O.'s permanent status, the order denying the motion to transfer jurisdiction is not a final, appealable order. Thus, we lack jurisdiction over this appeal. See Utah R. App. P. 3(a).

Accordingly, the appeal is dismissed without prejudice to the filing of a timely appeal from a final order.

Russell W. Bench, Judge

James Z. Davis, Judge

I CONCUR IN THE RESULT:

Carolyn B. McHugh, Judge