

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of M.V., N.M., A.M., A.M.,)	(Not For Official Publication)
and A.M., persons under)	
eighteen years of age.)	Case No. 20100459-CA
_____)	
)	
V.V.,)	F I L E D
)	(August 12, 2010)
Appellant,)	2010 UT App 221
)	
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Second District Juvenile, Ogden Department, 1013338
The Honorable Janice L. Frost

Attorneys: Carol Mortensen, Ogden, 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 Davis, McHugh, and Orme.

PER CURIAM:

V.V. (Mother) appeals the juvenile court's May 20, 2010 order terminating her parental rights. We dismiss the appeal for lack of jurisdiction.

This court's jurisdiction over child welfare appeals is governed by statute. See Utah Code Ann. § 78A-6-1109(2) (2008). Utah Code section 78A-6-1109(2) provides that an appeal from a juvenile court's order related to abuse, neglect, dependency, termination, and adoption proceedings, shall be filed within fifteen days of the date that the juvenile court's order is entered. See *id.* Furthermore, the notice of appeal must be signed by both appellant's counsel and the appellant. See *id.* "If an appellant fails to timely sign a notice of appeal, the appeal shall be dismissed." *Id.*

Similarly, rule 53(b) of the Utah Rules of Appellate Procedure reiterates that a notice of appeal in a child welfare proceeding "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 on the notice of appeal, counsel must contemporaneously file a certification of diligent search. See id. So long as counsel has complied with the obligation to file a certification of diligent search, counsel may then file an amended notice of appeal adding the appellant's signature within fifteen days of the original notice of appeal. See id. Failure to comply with these requirements divests this court of jurisdiction, and this court is required to dismiss the appeal. See Utah Code Ann. § 78A-6-1109(2); In re D.E., 2006 UT App 391, ¶ 6, 147 P.3d 462.

On June 4, 2010, Mother's counsel filed Mother's notice of appeal. Mother did not sign the notice of appeal. Mother's counsel filed a certification of diligent search. Mother's counsel was required to file an amended notice of appeal adding Mother's signature within fifteen days of the original notice of appeal. See Utah Code Ann. § 78A-6-1109(2). Counsel did not file an amended notice of appeal with Mother's signature. Because an amended notice of appeal including Mother's signature was not filed within fifteen days of the original notice of appeal, we are required to dismiss the appeal for lack of jurisdiction. See id.

Accordingly, Mother's appeal is dismissed.

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

Gregory K. Orme, Judge