

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah, in the interest	)	MEMORANDUM DECISION	
of S.H., A.H, M.H., K.H.,	)	(Not For Official Publication)	
B.H., M.H., and C.H, persons	)		
under eighteen years of age.	)	Case No. 20050321-CA	
<hr/>			
S.H.,	)	F I L E D	
	)	(September 9, 2005)	
Appellant,	)	<table border="1"><tr><td>2005 UT App 373</td></tr></table>	2005 UT App 373
2005 UT App 373			
v.	)		
State of Utah,	)		
Appellee.	)		

-----

Fourth District Juvenile, Provo Department, 978456  
The Honorable Kay A. Lindsay

Attorneys: Neil Skousen, Orem, for Appellant  
Mark L. Shurtleff, Carol L.C. Verdoia, and John M.  
Peterson, Salt Lake City, for Appellee

-----

Before Judges Davis, Greenwood, and Thorne.

PER CURIAM:

This case is before the court on the State of Utah's Motion to Dismiss Appeal for Lack of Jurisdiction and to Stay Transcript Preparation. Specifically, the State argues that this court has no jurisdiction to review the appeal because S.H. (Mother) did not file a notice of appeal until approximately six months after the juvenile court entered an order denying Mother's motion for a new trial.

Mother filed a motion for a new trial concerning the termination of her parental rights on August 13, 2005. The juvenile court entered an order denying the motion on September 29, 2004. Mother claims she did not receive actual notice of this order. Mother filed her notice of appeal on March 21, 2005.

Pursuant to rule 52 of the Utah Rules of Appellate Procedure, a notice of appeal from an order relating to child

welfare proceedings must be filed within fifteen days of the entry of the order. See Utah R. App. P. 52(a). When an appeal is untimely filed, this court lacks jurisdiction to hear the appeal. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶7, 13 P.3d 616. When this court lacks jurisdiction, it "retains only the jurisdiction to dismiss the action." Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989).

Accordingly, this appeal is dismissed.

---

James Z. Davis, Judge

---

Pamela T. Greenwood, Judge

---

William A. Thorne Jr., Judge