

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of T.T. and T.T., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20060326-CA
)	
R.T.,)	F I L E D
)	(May 25, 2006)
Appellant,)	
)	2006 UT App 207
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Fourth District Juvenile, Provo Department, 989154
The Honorable Leslie D. Brown

Attorneys: R. Paul Kawai, Provo, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Greenwood, McHugh, and Orme.

PER CURIAM:

R.T. (Father) seeks to appeal the termination of his parental rights. This court lacks jurisdiction over this appeal.

The juvenile court terminated Father's parental rights in an order dated March 8, 2006. The notice of appeal and the motion for an extension of time to appeal were filed on March 24, 2006, sixteen days after the date of the order. Under the Utah Rules of Appellate Procedure, both the notice and the motion were untimely, depriving this court of jurisdiction.

Pursuant to rule 52, a notice of appeal from a child welfare proceeding must be filed within fifteen days of the order appealed from. See Utah R. App. P. 52(a). The time for filing a child welfare appeal may be extended only by motion filed prior to the expiration of the original fifteen-day filing time. See

Utah R. App. P. 59(a). These time frames cannot be suspended.
See Utah R. App. P. 2.

Father's notice of appeal was filed more than fifteen days after the trial court's order, and was thus untimely. See Utah R. App. P. 52(a). Moreover, the motion to extend the time for filing an appeal was filed after the appeal time had run, and was thus also untimely. See Utah R. App. P. 59(a). The juvenile court did not have jurisdiction to grant the untimely motion. See State ex rel. A.M., 2005 UT App 2, ¶5, 106 P.3d 193.

Based on the untimely notice of appeal, this court lacks jurisdiction and must dismiss the appeal. See id. at ¶6.

Pamela T. Greenwood,
Associate Presiding Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge