

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
CUSTODY OF F.D. AND R.D.,

No. 43813

TRISCIA D.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

FILED

OCT 19 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK


ORDER DISMISSING APPEAL

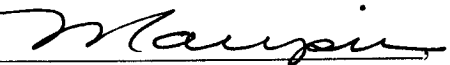
This proper person appeal challenges a district court order that makes the children wards of the family court and places them in the Division of Child and Family Services' custody. Eighth Judicial District Court, Family Court Division, Clark County; Gerald W. Hardcastle, Judge.


Our review of the documents before us reveals a jurisdictional defect. In particular, the district court's order is temporary; it provides that the matter will be reviewed on September 14, 2004. Temporary custody orders are not appealable; only an order that finally establishes or

changes child custody may be appealed.¹ Consequently, we lack jurisdiction and dismiss this appeal.

It is so ORDERED.²

 _____, J.
Rose

 _____, J.
Maupin

 _____, J.
Douglas

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Triscia D.
Clark County District Attorney David J. Roger/Juvenile Division
Clark County Clerk

¹In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989); NRAP 3A(b)(2).

²We note that appellant's failure to pay the supreme court filing fee could constitute an independent basis on which to dismiss this appeal. Although appellant submitted to this court a motion for leave to proceed in forma pauperis, she did not comply with NRAP 24(a), which requires a party seeking leave to proceed on appeal without paying fees to file a proper motion in the district court.