

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO K. G. AND S. G.

No. 40046

THE STATE OF NEVADA DIVISION  
OF CHILD AND FAMILY SERVICES,  
DEPARTMENT OF HUMAN  
RESOURCES,

Appellant,

vs.

PAUL DRAKULICH, GUARDIAN AD  
LITEM TO K. G. AND S. G.; JOEL F.  
AND TERRI F.,  
Respondents.

**FILED**

JUN 20 2003

JAMETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Castells*  
DEPUTY CLERK

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO K. G. AND S. G.

No. 40656

THE STATE OF NEVADA DIVISION  
OF CHILD AND FAMILY SERVICES,  
DEPARTMENT OF HUMAN  
RESOURCES,

Appellant,

vs.

PAUL DRAKULICH, GUARDIAN AD  
LITEM TO K. G. AND S. G.,  
Respondents.

ORDER DISMISSING APPEALS

These are appeals from a district court order concerning a permanency plan for the minor children (Docket No. 40046) and an

amended permanency plan order reaffirming the prior order and naming the foster parents parties to the proceedings (Docket No. 40656).

The foster parents have moved this court to dismiss the appeal in Docket No. 40046 on the basis that the permanency plan order is not substantively appealable. Appellant moves this court to strike the foster parent's motion to dismiss on the basis that the foster parents are not parties to the proceedings. Churchill County has moved this court to dismiss these appeals as moot. Appellant does not oppose Churchill County's motion to dismiss the appeal in Docket No. 40046 concerning the district court's July 17, 2002 order directing appellant to cease reunification plans and directing the children's guardian ad litem to go forward with the underlying termination of parental rights proceedings. Appellant does, however, oppose Churchill County's motion to dismiss the appeal in Docket No. 40656 as to the issue of the district court's November 21, 2002 order naming the children's foster parents as parties to the proceedings.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>1</sup> An appeal may be taken from a final judgment in an action or proceeding commenced in the court in which the judgment is rendered.<sup>2</sup> A final judgment is one that disposes

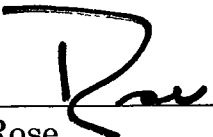
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<sup>1</sup>See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).


<sup>2</sup>NRAP 3A(b)(1).

of the issues presented in the case and leaves nothing for the future consideration of the court except for attorney fees and costs.<sup>3</sup> Here, the July and November orders are not final because they are subject to review and modification by the district court.<sup>4</sup> Accordingly, this court lacks jurisdiction to consider these appeals, and we

ORDER these appeals DISMISSED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

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<sup>3</sup>Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

<sup>4</sup>See In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989) (holding that no appeal may be taken from a temporary order subject to periodic mandatory review).

<sup>5</sup>In light of this order we deny as moot appellant's September 9, 2002 and April 15, 2003 motions to strike, as well as appellant's May 20, 2003 motion to consolidate. Additionally, we deny as moot the August 30, 2002, and March 12, 2003 motions to dismiss.

cc: Hon. Archie E. Blake, District Judge  
Attorney General Brian Sandoval/Carson City  
Churchill County District Attorney  
Churchill County Public Defender  
George M. Keele  
Rick Lawton  
Carl E. Anderson  
Churchill County Clerk