

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-09-00368-CV**

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**IN THE INTEREST OF C.J.K.**

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**On Appeal from the 1st District Court**  
**Jasper County, Texas**  
**Trial Cause No. 29266**

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**MEMORANDUM OPINION**

This is an accelerated appeal. The appellants, A.K. and M.K., did not personally attend the trial that resulted in the termination of their parental rights. Counsel filed notice of appeal on behalf of appellants. The trial court appointed new counsel for the appeal.

We remanded the case to the trial court for a hearing to determine whether appellants desire to pursue an appeal. Neither appellant appeared at the hearing. Appellate counsel informed the trial court that he had communicated once with appellant A.K., and on that occasion he informed A.K. that A.K. and appellant M.K. needed to discuss the appeal with the attorney, but neither A.K. nor M.K. communicated further with counsel. Counsel stated that he attempted to communicate with the appellants by

mail and had personally gone to their home, but he received no response. In concluding that the appellants do not desire to prosecute this appeal, the trial court found that counsel exercised due diligence in attempting to contact appellants and that appellants did not attend the hearing because they chose not to attend.

The record supports the trial court's determination that appellants do not desire to prosecute their appeal of the order of termination. The clerk gave appellants notice that the appeal would be dismissed for want of prosecution unless grounds are shown for continuing the appeal. Accordingly, the appeal is dismissed. See TEX. R. APP. P. 42.3.

DISMISSED.

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DAVID GAULTNEY  
Justice

Opinion Delivered March 11, 2010

Before McKeithen, C.J., Gaultney and Horton, JJ.