



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 2-08-161-CV

IN THE INTEREST OF A.R.L.

FROM THE 415TH DISTRICT COURT OF PARKER COUNTY

MEMORANDUM OPINION¹

This is an appeal from the dismissal for want of prosecution of Appellant L.R.L.'s bill of review.² We reverse and remand.

L.R.L. is incarcerated in the Estelle Unit in Huntsville. He filed a bill of review in October 2007 after his parental rights over his daughter A.R.L. were terminated in May 2007. Although L.R.L. made efforts to prosecute his bill of

¹ [▲](#) Tex. R. App. P. 47.4.

² [▲](#) The names of the parent and child subject to this appeal have been replaced with initials in accordance with Texas Rule of Appellate Procedure 9.8. Tex. R. App. P. 9.8.

review (including filing a petition for writ of mandamus with this court),³ the trial court sent notice of the court's intent to dismiss for want of prosecution.⁴ This notice was sent to L.R.L. at the wrong address. Appellee the Texas Department of Family and Protective Services concedes that the trial court's failure to provide adequate notice of its intent to dismiss this case for want of prosecution requires reversal.⁵

Accordingly, we reverse the trial court's order of dismissal and remand this case for further proceedings.

PER CURIAM

PANEL: CAYCE, C.J.; DAUPHINOT and WALKER, JJ.

DELIVERED: November 20, 2008

³ [See](#) No. 02-08-00075-CV, 2008 WL 623394 (Tex. App.—Fort Worth March 4, 2008, orig. proceeding).

⁴ [See](#) Tex. R. Civ. P. 165a.

⁵ [See, e.g.,](#) *Smith v. McKee*, 145 S.W.3d 299, 302 (Tex. App.—Fort Worth 2004, no pet.).