



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

NO. 02-17-00060-CV

IN THE INTEREST OF S.M.

FROM THE 324TH DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 324-582578-15

MEMORANDUM OPINION¹

The trial court adjudicated Appellee B.G. as S.M.'s biological father on August 19, 2016, and on January 26, 2017, the trial court signed a final order in trial court cause number 324-582578-15 "as to [S.M.] only." The trial court signed an order of severance as to S.M. on February 1, 2017, making the notice of appeal in this case due by February 21, 2017. See Tex. R. App. P. 26.1(b) (stating that the notice of appeal in an accelerated appeal must be filed within 20

¹See Tex. R. App. P. 47.4.

days after the judgment or order is signed), 28.4(a)(1) (stating that appeals in termination-of-parental-rights cases are governed by the rules of appellate procedure for accelerated appeals).²

Appellant D.M., who had previously been S.M.'s presumed father, did not file his notice of appeal regarding this now-final judgment until February 24, 2017. On February 28, 2017, B.G. filed a motion to dismiss D.M.'s appeal, complaining that D.M. had failed to timely file his notice of appeal as required to invoke this court's jurisdiction.

On March 17, 2017, we gave D.M. or any party desiring to continue the appeal ten days to file a response showing a reasonable explanation for the late filing of the notice of appeal. See Tex. R. App. P. 10.5(b), 26.1(b), 26.3(b), 28.4, 42.3. We warned the parties that unless we received such a response, we would dismiss the appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a).

Accordingly, having received no response, we dismiss the appeal for want of jurisdiction. See *In re D.A.*, No. 02-15-00346-CV, 2015 WL 9244637, at *1 (Tex. App.—Fort Worth Dec. 17, 2015, no pet.) (mem. op.) ("The time for filing a notice of appeal is jurisdictional in this court, and absent a timely-filed notice of

²While at least one portion of the case originated when the children's mother filed for divorce from D.M., the Department of Family and Protective Services (DFPS) became involved when several related cases were consolidated into trial court cause number 324-582578-15. DFPS sought to terminate D.M.'s parental rights.

appeal or extension request, we must dismiss the appeal.”); see *also* Tex. R. App. P. 42.3(a), 43.2(f).

/s/ Bonnie Sudderth
BONNIE SUDDERTH
JUSTICE

PANEL: SUDDERTH, KERR, and PITTMAN, JJ.

DELIVERED: May 25, 2017