



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

NO. 02-17-00297-CV

IN THE INTEREST OF W.H.,
A CHILD

FROM THE 323RD DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 323-102829-16

MEMORANDUM OPINION¹

Appellant W.H. (Father) attempts to appeal from the trial court's order terminating his parent-child relationship with his son W.H. Because Father filed his notice of appeal too late, we dismiss this appeal for want of jurisdiction.

¹See Tex. R. App. P. 47.4.

The trial court's judgment was signed on July 25, 2017. Because this is an accelerated appeal, the notice of appeal was due on or before August 14, 2017. See Tex. R. App. P. 26.1(b) (providing that the notice of appeal in an accelerated appeal is due within twenty days of the signing of the judgment), 28.4(a) (providing that appeals in parental termination cases are accelerated). Father filed and served his notice of appeal on August 30, 2017, sixteen days too late. See Tex. R. App. P. 26.3 (allowing the appellate court to grant an extension of time to file a notice of appeal if a party files the notice of appeal and a motion complying with rule 10.5(b) within fifteen days after the deadline for filing the notice of appeal); *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997) (implying a motion for extension of time to file an appellate bond when the bond was filed late but within the fifteen-day period for filing a motion for extension); see also *Houser v. McElveen*, 243 S.W.3d 646, 647 (Tex. 2008) (implying a motion for extension of time to file a notice of appeal when the notice of appeal was filed late but was mailed within the fifteen-day deadline).

We notified Father of our concern that we lack jurisdiction based on his late notice of appeal and cautioned that this appeal would be subject to dismissal absent a response showing grounds for continuing the appeal. Father's response does not show grounds for continuing the appeal.

The time for filing a notice of appeal is jurisdictional in this court, and absent a timely filed notice of appeal or motion for extension, we must dismiss an appeal. See Tex. R. App. P. 2, 25.1(b), 26.3; *Jones v. City of Houston*,

976 S.W.2d 676, 677 (Tex. 1998); *In re S.M.*, No. 02-17-00060-CV, 2017 WL 2289118, at *1 (Tex. App.—Fort Worth May 25, 2017, no pet.) (mem. op.); *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.). Because Father’s notice of appeal was filed untimely and outside the fifteen-day period for requesting an extension, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f); *S.M.*, 2017 WL 2289118, at *1; *D.A.*, 2015 WL 9244637, at *1.

PER CURIAM

PANEL: PITTMAN, WALKER, and MEIER, JJ.

DELIVERED: October 19, 2017