

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00129-CV

Texas Department of Family & Protective Services, Appellant

v.

M.E. and B.E., Appellees

**FROM THE DISTRICT COURT OF COMAL COUNTY, 433RD JUDICIAL DISTRICT
NO. C2011-0351D, HONORABLE DIB WALDRIP, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Texas Department of Family & Protective Services appeals from the trial court's order granting directed verdict for appellees. Appellant submitted a letter to this Court on April 4, 2013, advising this Court that a final order has not yet been signed.

Texas Rule of Appellant Procedure 27.2 provides that an appellate court may permit a party to cure a prematurely filed appeal by allowing "an appealed order that is not final to be modified so as to be made final and may allow the modified order and all proceedings relating to it to be included in a supplemental record." Tex. R. App. P. 27.2. We, therefore, abate this appeal to give the Department 60 days after the date of this order to take action to cure the jurisdictional defect and to pay for and request a supplemental clerk's record containing a final order. Failure to comply with this order will result in dismissal of this appeal for want of jurisdiction. *See* Tex. R. App. P. 42.3(a).

Melissa Goodwin, Justice

Before Chief Justice Jones, Justices Goodwin and Field

Abated

Filed: April 26, 2013