



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN THE INTEREST OF
E.O.,
A CHILD.

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No. 08-19-00233-CV
Appeal from the
65th District Court
of El Paso County, Texas
(TC# 2018DCM1157)

MEMORANDUM OPINION

On September 12, 2019, G.O. filed a notice of appeal from a trial court judgment terminating his parental rights issued on July 29, 2019. We dismiss for want of jurisdiction.

Rule 26.1 of the Texas Rules of Appellate Procedure sets out the timelines for perfecting appeals in civil cases. Rule 26.1(b) specifies that the notice of appeal in an accelerated appeal must be filed within 20 days after the judgment or order is signed. TEX.R.APP.P. 26.1(b). Parental termination order appeals are accelerated appeals. *In re K.A.F.*, 160 S.W.3d 923, 925 (Tex. 2005).

The Court may grant an extension of time to file a late appeal if an appellant moves for extra time within 15 days of the deadline for filing the notice of appeal. TEX.R.APP.P. 26.3. However, the Court lacks jurisdiction to review trial court judgments or orders in accelerated cases if a notice of appeal and motion for extension of time have not been filed by the 35th day. *Cf.*

Verburgt v. Dorner, 959 S.W.2d 615, 617 (Tex. 1997)(appellate court lacked jurisdiction where appeal was filed outside the grace period provided for in the Texas Rules of Appellate Procedure).

The 35th day following the trial court's July 29, 2019 judgment was September 2, 2019. Although Appellant filed a motion for extension of time to file the notice of appeal, the notice of appeal and motion were filed on September 12, after the grace period provided by Rule 26.3 expired. As such, we lack jurisdiction over this attempted appeal. Accordingly, the appeal is dismissed. All pending motions are denied as moot.

GINA M. PALAFOX, Justice

September 25, 2019

Before Rodriguez, J., Palafox, J., and Barajas, C.J. (Senior Judge)
Barajas, C.J. (Senior Judge), sitting by assignment