

Opinion filed October 15, 2009



In The

Eleventh Court of Appeals

No. 11-09-00244-CV

IN THE INTEREST OF J.P.H., J.C.H., AND J.C.H., CHILDREN

On Appeal from the 266th District Court

Erath County, Texas

Trial Court Cause No. CV27715

MEMORANDUM OPINION

This is an appeal from an order terminating parental rights. We dismiss the appeal for want of jurisdiction.

The clerk's record has been filed in this court. The record reflects that, on June 14, 2009, the trial court signed the judgment terminating R.W.H.'s parental rights to these three children and appointing the Texas Department of Family and Protective Services permanent managing conservators. Appellant filed his notice of appeal on July 28, 2009. Appellant did not file a motion for new trial, statement of points on appeal, or an affidavit of inability to pay costs on appeal.

Pursuant to TEX. FAM. CODE ANN. § 263.405 (Vernon 2008) and TEX. R. APP. P. 26.1(b), the notice of appeal was due to be filed within twenty days from the date the judgment was signed. Appellant's notice of appeal was filed forty-four days after the date the judgment was signed.

Appellant's current counsel has responded to our inquiries concerning the procedural problems in this case. Counsel notes that he was not trial counsel and that he was appointed after the time for compliance with Section 263.405. Counsel requests that the appeal be abated in order that he may comply with the requirements of Section 263.405.

Because an appeal has not been properly perfected, the jurisdiction of this court has not been invoked. Therefore, this court is unable to grant the relief counsel requests. The appeal is dismissed for want of jurisdiction.

PER CURIAM

October 15, 2009

Panel consists of: Wright, C.J.,
McCall, J., and Strange, J.