



In The
Eleventh Court of Appeals

No. 11-15-00130-CV

**IN THE MATTER OF THE GUARDIANSHIP OF
LORETTA NELSON**

**On Appeal from the County Court
Ector County, Texas
Trial Court Cause No. G860-11**

MEMORANDUM OPINION

This is an interlocutory appeal from an order naming a temporary guardian of an incapacitated person. Covenant Outreach, LLC filed an application for its appointment as the temporary guardian of the person for Loretta Nelson. *See* TEX. EST. CODE ANN. §§ 1251.001–.153 (West 2014 & Supp. 2016). After conducting a hearing on the application, the trial court entered an order appointing Covenant as the temporary guardian of the person of Nelson. *See id.* § 1251.010. Nelson raises three issues on appeal, challenging the appointment of Covenant as her temporary guardian. We dismiss for want of jurisdiction.

With the exception of a temporary guardianship instituted during the pendency of a contested guardianship proceeding, a temporary guardianship may not remain in effect for more than sixty days. *See id.* §§ 1251.051, .052, & .151. Pursuant to Section 1251.151, the trial court’s order appointing Covenant as the temporary guardian of Nelson provided that it “shall be enforced for a period of sixty (60) days from the date of this order.” More than sixty days have elapsed since the trial court entered its order appointing Covenant as the temporary guardian of Nelson.

The trial court clerk has supplemented the appellate record with a “Final Report of Temporary Guardian” and an “Order Approving Final Report of Temporary Guardian.” *See id.* §§ 1251.152, .153. Covenant advised the trial court in the final report that it would not be seeking a permanent guardianship of Nelson because of difficulties in finding a placement for her. In the Order Approving Final Report of Temporary Guardian, the trial court approved the final report of the temporary guardian and discharged it and its sureties. The order concludes with the words “the temporary guardianship is closed.” Nelson has not challenged the Order Approving Final Report of Temporary Guardian.

A complaint about the appointment of a temporary guardian becomes moot once a permanent guardian is appointed. *See In re Guardianship of Berry*, 105 S.W.3d 665, 666 (Tex. App.—Beaumont 2003, no pet.). We conclude that a complaint about the appointment of a temporary guardian also becomes moot when the temporary guardianship is closed. “A case becomes moot if, since the time of filing, there has ceased to exist a justiciable controversy between the parties—that is, if the issues presented are no longer ‘live,’ or if the parties lack a legally cognizable interest in the outcome.” *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012) (citing *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001)). There is no longer a justiciable controversy concerning the appointment of Covenant as

Nelson's temporary guardian because the temporary guardianship has been closed and Covenant has been discharged as Nelson's temporary guardian. If a case becomes moot, we must dismiss the case for want of jurisdiction. *See id.*

This Court's Ruling

We dismiss the appeal for want of jurisdiction.

JOHN M. BAILEY
JUSTICE

June 30, 2017

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.