

DISMISS; and Opinion Filed October 31, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-00993-CV

**ANSWAR WILLS, Appellant
V.
GERTRUDE BAKASA, Appellee**

**On Appeal from the 303rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-14-04594**

MEMORANDUM OPINION

Before Justices O'Neill, Lang-Miers, and Brown
Opinion by Justice Lang-Miers

Answar Wills appeals the trial court's modified temporary orders signed on July 29, 2014. We conclude that we lack jurisdiction and dismiss the appeal.

Background

On April 24, 2014, the trial court signed temporary orders in a suit affecting the parent-child relationship of A.R.D. which provided that until the next hearing, parents Gertude Bakasa (mother) and Wills (father) would continue to have alternating weeks of possession. Wills was ordered to return the child to her prior school. Wills had withdrawn A.R.D. from the school on April 10, 2014. There was also to be no contact between the parents unless there was important information regarding the child. The trial court signed further temporary orders in the SAPCR suit on May 29, 2014 in which Wills was designated by the trial court as the conservator with the

exclusive right to designate the primary residence of the child without regard to geographic location, and Bakasa was ordered to pay child support and medical support to Wills.

On May 30, 2014, Bakasa requested a de novo hearing on the issues of temporary custody and child support, asking the trial court to reform the May 29th order and revert back to the temporary orders entered on April 24th. A hearing was held on July 29, 2014, in which default judgment was entered against Wills, who did not appear. The trial court's temporary orders designated Bakasa as the conservator with the exclusive right to make decisions concerning the child's education including the exclusive right to enroll the child in the school of her choice. Furthermore, the orders provided that A.R.D. would alternate living with each parent on a weekly basis from Monday to Monday, and be enrolled in the school that she attended last.

On July 31, 2014, Wills filed a notice of appeal of the July 26th temporary orders. On September 30, 2014, we notified appellant by letter that we questioned our jurisdiction over the appeal. We gave appellant ten days to file a jurisdictional brief explaining how this Court has jurisdiction because it appeared Wills was appealing the trial court's modified temporary order. To date, appellant has not filed a jurisdictional brief.

Discussion

Appellate courts may review only final and appealable judgments or interlocutory orders specifically made appealable by statute. *See Lehmann v. Har Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Temporary orders entered while a motion to modify in a suit affecting the parent-child relationship is pending, are interlocutory and no statutory provision authorizes appeal of those orders. *See* TEX. FAM. CODE ANN. § 105.001(e)(Vernon 2013); *see also Dancy v. Daggett*, 815 S.W.2d 548, 549 (Tex. 1991) (per curiam) (op. on mot. reh'g) (holding mandamus is appropriate remedy to challenge temporary orders governing issues of conservatorship and child support because trial court's issuance of temporary orders not subject to interlocutory appeal).

Here, the orders appellant seeks to appeal are temporary orders in a suit to modify the parent-child relationship. Therefore, the interlocutory appeal is precluded by Family Code section 105.001(e). *Id.* Appellant has not demonstrated that this Court otherwise has jurisdiction over his appeal from the trial court's temporary orders. Thus, we hold that we have no jurisdiction to consider this appeal.

Accordingly, we dismiss this appeal for lack of jurisdiction.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

ANSWAR WILLS, Appellant

No. 05-14-00993-CV V.

GERTRUDE BAKASA, Appellee

On Appeal from the 303rd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DF-14-04594.

Opinion delivered by Justice Lang-Miers.

Justices O'Neill and Brown participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED** for want of jurisdiction.

It is **ORDERED** that appellee GERTRUDE BAKASA recover her costs of this appeal from appellant ANSWAR WILLS.

Judgment entered this 31st day of October, 2014.