

**DISMISS; and Opinion Filed March 5, 2019.**



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

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**No. 05-19-00098-CV**

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**IN THE INTEREST OF K.D., A CHILD**

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**On Appeal from the 303rd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF-16-21266-V**

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**MEMORANDUM OPINION**

Before Justices Myers, Osborne, and Nowell  
Opinion by Justice Osborne

This is an appeal from the trial court's November 19, 2018 order in a suit affecting the parent-child relationship. As reflected in the clerk's record, the underlying suit was filed by the Dallas County Child Protective Services Unit of the Texas Department of Family and Protective Services for conservatorship of the child and termination of Father's and Mother's parental rights. Following a bench trial, the trial court terminated Father's rights and ordered supervised visitation for Mother. Father did not challenge the order, but Mother filed a request for findings of fact and conclusions of law on November 27, 2018, and this appeal on January 15, 2019. However, because the underlying suit is a child protection case, the appeal is accelerated and the notice of appeal was due December 10, 2018, or, with an extension motion, December 27, 2018. *See* TEX. R. APP. P. 4.1(a), 26.1(b), 26.3, 28.1(b), 28.4(a)(2)(B).

At our request, Mother filed a brief addressing our jurisdiction over the appeal.<sup>1</sup> *See Brashear v. Victoria Gardens of McKinney, LLC*, 302 S.W.3d 542, 545 (Tex. App.—Dallas 2009, no pet.) (op. on reh’g) (timely filing of notice of appeal is jurisdictional). She asserts that because her rights were not terminated, the appeal is not accelerated. She argues that because she timely filed a request for findings, her notice of appeal, filed within ninety days of judgment, is timely. *See* TEX. R. APP. P. 26.1(a). We disagree. A child protection case is one filed by a governmental entity for managing conservatorship of a child, regardless of whether a parent’s rights are terminated. *See* TEX. R. APP. P. 28.4(a)(2)(B) (defining “child protection case” as “a suit affecting the parent-child relationship filed by a governmental entity for managing conservatorship”). A child protection case is governed by the rules of appellate procedure for accelerated appeals. TEX. R. APP. P. 28.4(a)(1).

Because the notice of appeal was untimely filed, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a) (involuntary dismissal in civil cases).

/Leslie Osborne/  
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LESLIE OSBORNE  
JUSTICE

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<sup>1</sup> Appellees were afforded an opportunity to respond but did not do so.



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

**JUDGMENT**

IN THE INTEREST OF K.D., A CHILD,

No. 05-19-00098-CV

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

Trial Court Cause No. DF-16-21266-V.

Opinion delivered by Justice Osborne;

Justices Myers and Nowell participating.

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

Judgment entered this 5th day of March, 2019.