

Dismissed; Opinion Filed August 30, 2019.



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

No. 05-19-00931-CV

IN THE INTEREST OF M.M.M., A MINOR CHILD

**On Appeal from the 439th Judicial District Court
Rockwall County, Texas
Trial Court Cause No. 1-11-1233**

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Molberg, and Justice Nowell
Opinion by Justice Nowell

By notice of appeal filed August 6, 2019, Mother challenges the trial court’s “unsupported restraining order affecting visitation” and “all custody orders.” Because we conclude we lack jurisdiction, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a).

As reflected in the record, the trial court signed an order in suit to modify parent-child relationship on February 24, 2017. Four months later, Father filed another suit to modify. The suit remains pending.

During the thirty months the suit has been pending, the trial court has issued the following orders: (1) on July 21, 2017, a temporary restraining order that, by subsequent agreement, expired October 13, 2017; (2) on June 13, 2018, temporary orders concerning Mother’s summer possession; and, (3) on August 6, 2019, temporary orders setting visitation in Rockwall and contiguous counties and granting Mother unsupervised visitation by agreement with Father.

Because temporary orders in family law cases are not appealable and the only final judgment in the record was signed more than two years ago, we questioned our jurisdiction over the appeal. *See* TEX. R. APP. P. 26.1 (governing deadlines for civil appeals); TEX. FAM. CODE ANN. § 109.002(b) (allowing appeals from final orders in suits affecting the parent-child relationship). We directed Mother to file a letter brief addressing our concern.¹ Although she complied, the letter brief fails to demonstrate we have jurisdiction over the appeal. Accordingly, because no appealable order or judgment exists in the record, we dismiss the appeal. *See* TEX. R. APP. P. 26.1, 42.3(a); *Jack B. Anglin Co., Inc. v. Tipps*, 842 S.W.2d 266, 272 (Tex. 1992) (appeal may only be taken from order authorized by statute or final judgment that disposes of all parties and claims).

/Erin A. Nowell/
ERIN A. NOWELL
JUSTICE

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¹ In her letter brief, Mother refers to two restraining orders, one which appears to have been issued June 3, 2016 and the other which she asserts was issued June 29, 2017. The record, however, does not include the June 2017 restraining order or otherwise reflect an order was issued on that day.



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

JUDGMENT

IN THE INTEREST OF M.M.M., A
MINOR CHILD

No. 05-19-00931-CV

On Appeal from the 439th Judicial District
Court, Rockwall County, Texas
Trial Court Cause No. 1-11-1233.
Opinion delivered by Justice Nowell, Chief
Justice Burns and Justice Molberg
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

Judgment entered this 30th day of August, 2019.