

Opinion issued November 1, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00646-CV

IN THE MATTER OF J. S.

**On Appeal from the 313th District Court
Harris County, Texas
Trial Court Case No. 1000824J**

MEMORANDUM OPINION

J.S., a juvenile, stipulated to the evidence of a Class B misdemeanor of evading detention and was adjudicated delinquent in the underlying proceeding and placed on probation for one year. J.S.'s mother, acting pro se, subsequently filed a notice of appeal under her own signature in the trial court. We abated the appeal for the trial court to determine whether J.S. retained his right to appeal and whether J.S.

wished to prosecute the appeal, explaining that (1) an appeal, if desired, could not proceed without J.S.'s consent and (2) neither the purported notice of appeal nor any documents on file indicated a desire by J.S. to appeal. *See* TEX. FAM. CODE. § 56.01(e), (f) (counsel must file notice of appeal if “child *and* his parent, guardian, or guardian ad litem express a desire to appeal.”) (emphasis added). No party has sought reinstatement of the appeal, and there has been no indication of a desire by J.S. to pursue the appeal. Accordingly, we reinstate and dismiss the appeal for want of prosecution.

PER CURIAM

Panel consists of Justices Bland, Massengale, and Lloyd.