

Affirmed and Memorandum Opinion filed July 6, 2021.



In The

Fourteenth Court of Appeals

NO. 14-19-00628-CV

**IN THE MATTER OF THE MARRIAGE OF HOLLY S. CURTICE AND
STEVEN M. CURTICE**

**On Appeal from the 507th District Court
Harris County, Texas
Trial Court Cause No. 2018-19653**

MEMORANDUM OPINION

This is an appeal from a final decree of divorce. The issues raised on appeal were not raised in the trial court, and therefore we affirm.

Appellee Holly S. Curtice sought a divorce from appellant Steven M. Curtice. Steven did not personally appear for trial, though he was represented by counsel. The trial court heard evidence and entered extensive findings of fact, none of which have been challenged on appeal. The trial court also entered a final decree of divorce. Among other things, the decree declared Steven as a parent

possessory conservator of the couple's sole child, and it established the terms for his possession of and access to the child.

Steven appealed, and he raises two issues for review relating to his visitation rights under the decree. He contends that the trial court erred by requiring supervised visitation and by failing to enter a sufficiently specific order with respect to the times and conditions of visitation. *See* Tex. Family Code § 153.193 (“The terms of an order that...imposes restrictions or limitations on a parent’s right to possession of or access to a child may not exceed those that are required to protect the best interest of the child.”); *id.* § 153.006(c) (“The court shall specify and expressly state in the order the times and conditions for possession of or access to the child, unless a party shows good cause why specific orders would not be in the best interest of the child.”).

On appeal Holly has responded to both issues on the merits, but her threshold argument is that Steven waived his complaints by failing to first raise them in the trial court and secure a ruling, as is generally required to pursue an appeal. *See* Tex. R. App. P. 33.1; *Land v. Land*, 561 S.W.3d 624, 638 (Tex. App.—Houston [14th Dist.] 2018, pet. denied).

Steven filed no reply brief to dispute the suggestion of waiver. Our own review of the record reveals no indication that he ever made a timely request, objection, or motion that identified any grounds for modifying the final decree with sufficient specificity to make the trial court aware of the complaints now asserted on appeal. *See* Tex. R. App. P. 33.1. Accordingly, we conclude all issues raised on appeal have been waived.

We affirm the final divorce decree entered by the trial court.

PER CURIAM

Panel consists of Justices Wise, Bourliot, and Massengale.*

* Former Justice Michael Massengale sitting by assignment.