

Dismissed and Memorandum Opinion filed October 3, 2023



**In The
Fourteenth Court of Appeals**

NO. 14-23-00627-CV

D.S., Appellant

V.

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, Appellee

**On Appeal from the 314th District Court
Harris County, Texas
Trial Court Cause No. 2022-00488J**

MEMORANDUM OPINION

This is an attempted appeal from a final order of termination signed May 25, 2023. D.S., the respondent mother, filed a notice of appeal on August 24, 2023.

An appeal from an order terminating the parent-child relationship is accelerated and governed by the rules for accelerated appeals in civil cases. Tex. Fam. Code Ann. §§ 109.002(a), 263.405(a). In an accelerated appeal, the notice of appeal must be filed within 20 days after the appealable judgment or order is signed. Tex. R. App. P. 26.1(b). Moreover, neither a motion for new trial, a request

for findings of fact and conclusions of law, nor any other post-trial motion in the trial court will extend the deadline for filing a notice of appeal under Texas Rule of Appellate Procedure 26.1(b). Tex. Fam. Code Ann. § 263.405(c); *In re K.A.F.*, 160 S.W.3d 923, 928 (Tex. 2005); *see* Tex. R. App. P. 26.1(b).

Appellant's notice of appeal was not filed timely. A motion to extend time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by rule 26.1, but within the fifteen-day grace period provided by rule 26.3 for filing a motion to extend time. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617-18 (Tex. 1997) (construing the predecessor to Rule 26). Appellant's notice of appeal was not filed within the fifteen-day period provided by rule 26.3.

On September 11, 2023, notification was transmitted to all parties the appeal was subject to dismissal without further notice for want of jurisdiction. *See* Tex. R. App. P. 42.3(a). Appellant filed a response on September 21, 2023, addressing the underlying facts of this case. However, this response does not show meritorious grounds for continuing the appeal. This court does not have jurisdiction to consider any appeal unless our jurisdiction has been timely invoked. *In re R.B.M.*, 338 S.W. 3d 755, 758 (Tex. App.—Houston [14th Dist.] 2011, no pet.). Although appellant may pursue an out-of-time appeal on these grounds in a higher court, we may not suspend the rules to alter the time to perfect a civil appeal. *See id.*

Accordingly, appellant's motion to extend time to file a notice of appeal is denied and the appeal is dismissed.

PER CURIAM

Panel consists of Justices Jewell, Spain, and Wilson.