

Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio

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MEMORANDUM OPINION

No. 04-10-00553-CV

IN THE INTEREST OF V.A., L.A., and J.A, Children

From the 81st Judicial District Court, Atascosa County, Texas
Trial Court No. 10-06-0413-CVA
The Honorable Cathy O. Morris, Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
 Steven C. Hilbig, Justice
 Marialyn Barnard, Justice

Delivered and Filed: November 17, 2010

DISMISSED FOR LACK OF JURISDICTION

The trial court's order awarded temporary managing conservatorship of V.A., L.A., and J.A. to the Texas Department of Family and Protective Services. Generally, only final judgments are appealable. *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). Interlocutory orders are appealable only if permitted by statute. *Bally Total Fitness Corp. v. Jackson*, 53 S.W.3d 352, 352 (Tex. 2001). No statute grants an interlocutory appeal of a temporary order such as the one at issue here. In fact, the Texas Family Code specifically precludes the interlocutory appeal of temporary orders in suits affecting the parent-child relationship. TEX. FAM. CODE ANN. § 105.001(e) (West 2009); see *In re N.J.G.*, 980 S.W.2d 764, 766-67 (Tex. App.—San Antonio 1998, no pet.) (holding that because question of permanent conservatorship

remained unresolved by order denying motion to terminate temporary conservatorship, that order was interlocutory and not appealable).

Because it appeared that this court did not have jurisdiction over this appeal, we ordered appellant to show cause in writing, by September 24, 2010, why this appeal should not be dismissed for lack of jurisdiction. *Norman v. Norman*, 692 S.W.2d 655, 655 (Tex. 1985). We have received no response to our show cause order.

This appeal is, therefore, dismissed for lack of jurisdiction. TEX. R. APP. P. 42.3(a).

PER CURIAM