



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-15-00149-CV

**IN THE INTEREST OF K.L.C., J.K.C., and L.E.C., Children**

From the 216th Judicial District Court, Kerr County, Texas  
Trial Court No. 14658B  
Honorable Rex Emerson, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice  
Karen Angelini, Justice  
Marialyn Barnard, Justice

Delivered and Filed: April 29, 2015

**DISMISSED FOR LACK OF JURISDICTION**

On March 16, 2015, appellant filed a *pro se* notice of appeal seeking to appeal a partial summary judgment in a parental termination case. Although the trial court's partial summary judgment determined that appellant committed three acts enumerated in section 161.001(1) of the Texas Family Code, which are acts permitting the trial court to terminate appellant's parental rights, the trial court did not resolve whether termination is in the best interest of the children under section 161.001(2). Accordingly, the judgment is not a final, appealable judgment. *See Houston Health Clubs, Inc. v. First Court of Appeals*, 722 S.W.2d 692, 693 (Tex. 1986); *Northeast Indep. Sch. Dist. v. Aldridge*, 400 S.W.2d 893, 895 (Tex. 1966).

On March 27, 2015, appellant was ordered to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant's written response to the show cause order was due to be filed on April 13, 2015. No response was filed.

Because the clerk's record contained an order dated March 23, 2015, appointing an attorney ad litem for appellant, this court contacted the attorney ad litem regarding the pending show cause order. The attorney ad litem responded that he had been appointed for the remaining trial matter involving the best interest of the children only; however, this response confirms that the partial summary judgment is not a final, appealable judgment because a trial remains pending on the issue of the best interest of the children. Accordingly, this appeal is dismissed for lack of jurisdiction.

PER CURIAM