

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00052-CV

IN THE INTEREST OF L.A.L.

On Appeal from the County Court at Law
Orange County, Texas
Trial Cause No. C-130703-D

MEMORANDUM OPINION

A.L., the father of L.A.L., appeals the trial court's order denying relief in his petition to modify the parent-child relationship. On October 11, 2017, we notified the parties that a question concerning this Court's jurisdiction had arisen because it appears the order being appealed is neither a final judgment nor a temporary order subject to interlocutory appeal. We advised the parties that the appeal would be dismissed for want of jurisdiction unless we received a response showing grounds for continuing this appeal. A.L. filed a response, but failed to articulate a valid basis for jurisdiction in that response.

The record shows that in June 2016, A.L. filed a petition to modify the parent-child relationship, in which A.L. stated that the circumstances of the child, a conservator, or other party affected by the order to be modified had materially and substantially changed since the rendition of the 2014 order. In July 2016, the Office of the Attorney General filed a suit for modification of the child support order and a motion to confirm A.L.'s child support arrearages, and A.L. waived the issuance and service of process in the Attorney General's suit. The record also shows that D.S., the mother of L.A.L., filed a motion to enforce the child support order and the standard possession order, alleging that A.L. was in contempt for failing to pay child support and for failing to return the child as required by the 2014 order. D.S. requested that the trial court render judgment on A.L.'s arrearages. On October 6, 2016, A.L. filed a notice of nonsuit, in which A.L. stated that he no longer desired to prosecute his suit against D.S, and Judge Mandy White-Rogers dismissed A.L.'s suit. In January 2017, Judge Troy Johnson entered an order denying A.L.'s petition to modify.

An order or judgment is not final for purposes of appeal unless it actually disposes of every pending claim and party or unless it clearly and unequivocally states that it finally disposes of all claims and all parties. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195, 200 (Tex. 2001). The trial court lacks jurisdiction over

an interlocutory order unless a statute provides for an appeal. *SJ Med. Ctr., L.L.C. v. Estahbanati*, 418 S.W.3d 867, 871 (Tex. App.—Houston [14th Dist.] 2013, no pet.). The trial court’s order denying A.L.’s petition to modify did not finally dispose of all claims and all parties, nor does it clearly indicate that the trial court intended the order to dispose of the entire case. *See Lehmann*, 39 S.W.3d at 195, 200. The record before us does not indicate that the trial court has disposed of the Attorney General’s or D.S.’s claims against A.L. Additionally, A.L.’s response fails to show that a statute provides for an appeal from this interlocutory order. *See Estahbanati*, 418 S.W.3d at 871. Therefore, we dismiss the appeal for lack of jurisdiction.

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Submitted on September 11, 2017
Opinion Delivered November 9, 2017

Before McKeithen, C.J., Kreger and Johnson, JJ.