

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00472-CV

IN THE INTEREST OF A.E.

On Appeal from the 1st District Court
Jasper County, Texas
Trial Cause No. 36742

MEMORANDUM OPINION

On December 14, 2018, appellant filed a notice of appeal of the trial court's September 28, 2018, order that terminated her parental rights. On January 9, 2019, we notified the parties that the appellant's motion for extension of time to file notice of appeal was denied because the notice of appeal was filed outside the time for which an extension of time may be granted for filing a notice of appeal.

In her response to this Court's notice to appellant that her motion was denied, appellant asserted that trial counsel had died on November 13, 2018, and new counsel was not appointed until December 19, 2018.

Appellant asked this Court to abate the appeal and to hold an evidentiary hearing regarding whether appointed trial counsel was ineffective and whether her late notice of appeal should be excused. Attached to appellant's response was her affidavit, in which she averred that trial counsel never notified her of the September 28, 2018, trial date; that she was not informed until December 13, 2018 that her rights had been terminated; and she was not informed her of her right to appeal.

Appeal from an order terminating parental rights is accelerated, making the notice of appeal due to be filed in the trial court within twenty days from the date the final judgment was signed. Tex. R. App. P. 26.1(b). Appellant filed her notice of appeal on December 14, 2018, more than twenty days from the date of the order and outside the period for which we may grant an extension of time to perfect appeal. *See* Tex. R. App. P. 26.3. Although this Court may liberally construe the Texas Rules of Appellate Procedure to protect a party's right to appeal, we may not enlarge the time for perfecting appeals. *See Verburgt v. Dorner*, 959 S.W.2d 615, 616-17 (Tex. 1997). This Court lacks jurisdiction over this appeal. Accordingly, the appeal is dismissed for lack of jurisdiction.

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Submitted on February 13, 2019
Opinion Delivered February 14, 2019

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