



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-18-00144-CV**

IN THE INTEREST OF E.D., A  
CHILD

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FROM COUNTY COURT AT LAW NO. 1 OF WICHITA COUNTY  
TRIAL COURT NO. CCL-834-06-E

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**MEMORANDUM OPINION<sup>1</sup>**

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On April 23, 2018, Appellant A.D. filed with the Wichita County District Clerk a “notice of appeal” from the associate judge’s proposed order in this Title IV-D suit for modification of A.D.’s child support obligation. The associate judge signed that proposed order on April 23, 2018. On April 25, 2018, this court received the notice of appeal. The notice states A.D.’s intent to request a de

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<sup>1</sup>See Tex. R. App. P. 47.4.

novo hearing before the referring court. See Tex. Fam. Code Ann. § 201.015 (West Supp. 2017), § 201.1042 (West 2014).

On May 1, 2018, we notified A.D. of our concern that we lack jurisdiction over the appeal because the associate judge's April 23, 2018 order did not appear to be a final judgment or an appealable interlocutory order. We informed him that this appeal was subject to being dismissed for want of jurisdiction unless by May 11, 2018, we received a response showing grounds for continuing the appeal. See Tex. R. App. P. 42.3(a), 44.3. We have received no response from A.D. However, on May 23, 2018, the Wichita County District Clerk notified this court that A.D.'s notice of appeal had been forwarded to the referring court for a de novo hearing. Accordingly, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 44.3; see also *L.E. v. Tex. Dep't of Family & Protective Servs.*, No. 03-16-00142-CV, 2016 WL 1179088, at \*1 (Tex. App.—Austin Mar. 22, 2016, no pet.) (mem. op.) (dismissing appeal from associate judge's proposed order for want of jurisdiction when appellant informed court of appeals that she did not intend to appeal to that court but rather intended to request a de novo hearing before the referring court).

/s/ Lee Gabriel

LEE GABRIEL  
JUSTICE

PANEL: GABRIEL, KERR, and PITTMAN, JJ.

DELIVERED: May 31, 2018