



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-15-00441-CV

IN THE INTEREST OF N.M.B., A CHILD

On Appeal from the 364th District Court
Lubbock County, Texas
Trial Court No. 2012-504,544; Honorable William C. Sowder, Presiding

January 14, 2016

MEMORANDUM OPINION

Before **CAMPBELL** and **HANCOCK** and **PIRTLE, JJ.**

Appellant, D.B., Jr.,¹ attempts to appeal a *Final Order in Suit Affecting the Parent-Child Relationship* which terminates the parental rights of Y.L.M., the biological mother of N.M.B.; appoints the Department of Family and Protective Services as permanent sole managing conservator of N.M.B.; and appoints D.B., Jr. as possessory conservator of N.M.B. We dismiss for want of jurisdiction and failure to comply with an order of this court.

¹ To protect the privacy of the parties involved, we refer to them by their initials. See TEX. FAM. CODE ANN. § 109.002(d) (West 2014). See also TEX. R. APP. P. 9.8(b).

A timely notice of appeal is essential to invoking this court's jurisdiction. See TEX. R. APP. P. 25.1(b). The appeal of a final order in a suit brought by the Department of Family and Protective Services to terminate parental rights is an accelerated appeal. See TEX. FAM. CODE ANN. § 263.405(a) (West 2014). In an accelerated appeal, the notice of appeal must be filed within twenty days after the judgment or order is signed. TEX. R. APP. P. 26.1(b). The notice may still be considered timely if an appellant files the notice within fifteen days after the deadline for filing the notice of appeal and files a motion in this court requesting an extension of time to file the notice of appeal. See TEX. R. APP. P. 26.3, 10.5(b). A motion for extension of time is necessarily implied when the appellant files the notice of appeal within the fifteen-day extension period. See *Verburgt v. Dorner*, 959 S.W.2d 615, 616-17 (Tex. 1997).

Here, the trial court order was signed on July 10, 2015. D.B., Jr.'s notice of appeal was, therefore, due within twenty days after the order was signed, by July 30, 2015. See TEX. R. APP. P. 26.1(b). This deadline could have been extended to August 14, 2015, if D.B., Jr. had filed his notice of appeal within this fifteen-day extension period. See TEX. R. APP. P. 26.3; *Verburgt*, 959 S.W.2d at 617. However, according to the certificate of service, D.B., Jr. mailed the notice of appeal for filing on November 13, 2015, and the notice of appeal was actually filed on November 16, 2015.

By letter dated December 10, 2015, D.B., Jr. was directed to show why the court has jurisdiction over the appeal. His response was due by January 4, 2016. He was advised that failure to file a response showing grounds for continuing the appeal would result in the court dismissing the appeal for want of jurisdiction. He did not respond to the court's inquiry.

Notwithstanding that the Texas Supreme Court has directed us to construe the Rules of Appellate Procedure reasonably and liberally so that the right of appeal is not lost by imposing requirements not absolutely necessary to effect the purpose of those rules, *Verburgt*, 959 S.W.2d at 615, we are prohibited from enlarging the time for perfecting an appeal in a civil case. See TEX. R. APP. P. 2 (providing that we may not suspend a rule's operation or order a different procedure to alter the time for perfecting an appeal). This court has no discretion to permit D.B., Jr.'s untimely filed notice of appeal to confer jurisdiction over this appeal.

Accordingly, this purported appeal is dismissed for want of jurisdiction and failure to comply with an order of this court. See TEX. R. APP. P. 42.3(a), (c).

Per Curiam