



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

No. 07-16-00339-CV

IN THE INTEREST OF C.L.R., A CHILD

**On Appeal from the 364th District Court
Lubbock County, Texas
Trial Court No. 2016-519,839, Honorable Patricia Moseley, Associate Judge Presiding**

September 29, 2016

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Appellant H.S.N. attempts to appeal an order establishing the parent-child relationship issued by an associate judge. We dismiss the appeal for want of jurisdiction.

On September 21, 2016, the associate judge issued an order finding H.S.N. to be the biological father of C.L.R., a child; appointing H.S.N. as joint managing conservator of C.L.R.; and setting forth H.S.N.'s medical and child support obligations. That day, H.S.N. filed a "Notice of Appeal from Associate Judge's Hearing." The notice of appeal was then forwarded by the district clerk to the clerk of this court. See TEX. R. APP. P.

25.1(a), (f). As a result of this, we viewed the notice as attempting to initiate an appeal to this court.

By letter dated September 26, 2016, H.S.N. informed us that he actually intended the notice of appeal to be sent to the referring court as a request for a *de novo* hearing, but the district clerk inadvertently forwarded the document to the clerk of this court. See TEX. FAM. CODE § 201.015(a), (b) (West Supp. 2016) (“A party may request a *de novo* hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of . . . a temporary order rendered by an associate judge”).

We deem H.S.N.’s request for a *de novo* hearing as timely filed with the district court. *Id.* However, because H.S.N. has timely requested a *de novo* hearing and the associate judge’s order has not been signed by the referring court, the order is not a final order. See TEX. FAM. CODE § 201.013(b) (West 2014); § 201.015(f). Accordingly, we do not have jurisdiction over this appeal. See TEX. FAM. CODE § 109.002(b) (West 2014) (“An appeal may be taken by any party to a suit from a final order rendered under” Title 5 of the Texas Family Code).

We, therefore, dismiss the appeal for want of jurisdiction. See TEX. R. APP. P. 42.3(a).

Per Curiam