



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

No. 07-16-00399-CV

IN THE INTEREST OF D.R.W., A CHILD

On Appeal from the 320th District Court
Potter County, Texas
Trial Court No. 71,005-D, Honorable Don R. Emerson, Presiding

March 22, 2017

MEMORANDUM OPINION

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

Appellant, D.W., father of D.R.W., attempts to appeal an interlocutory order transferring venue in a suit affecting the parent-child relationship. We dismiss for want of jurisdiction.

In March 2009, the trial court issued an order appointing D.W. as sole managing conservator of D.R.W. The order appoints D.R.W.'s mother, C.N.B., as possessory conservator. In September 2016, the maternal grandmother of D.R.W., C.U., filed a petition to modify the parent-child relationship and a motion to transfer venue from Potter County to Randall County. D.W., proceeding *pro se*, responded to the petition and motion. On October 26, 2016, the trial court granted the motion to transfer venue

to Randall County. See TEX. FAM. CODE ANN. §§ 103.002, 155.204 (West 2014). The following day, D.W. filed a *pro se* notice of appeal.

Questioning whether we had jurisdiction over the appeal, we notified D.W. by letter that it did not appear that a final, appealable order or judgment had been entered in this case. We directed D.W. to show grounds for continuing the appeal by March 6, 2017, or we would dismiss the appeal for want of jurisdiction. See TEX. R. APP. P. 42.3(a). D.W. has not responded to the court's letter.

Generally, appellate courts only have jurisdiction over final judgments. See *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). A judgment is final for purposes of appeal if it disposes of all pending parties and claims. *Id.* We have jurisdiction to consider immediate appeals of interlocutory orders only if a statute explicitly provides appellate jurisdiction. *Stary v. DeBord*, 967 S.W.2d 352, 352–53 (Tex. 1998).

An order transferring or refusing to transfer venue of a suit affecting the parent-child relationship is not subject to ordinary appeal because it is not a final order. See TEX. FAM. CODE ANN. § 109.002 (West 2014); *Chalu v. Shamala*, 125 S.W.3d 737, 739 (Tex. App.—Houston [1st Dist.] 2003, no pet.) (finding no appeal from venue transfer orders in SAPCR cases). Further, the Family Code expressly provides that such an order is not subject to interlocutory appeal. See TEX. FAM. CODE ANN. § 155.204(h); *Chalu*, 125 S.W.3d at 738-39. Finding no statutory authority allowing immediate appeal, we lack jurisdiction to review and must dismiss the appeal.

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

Per Curiam