



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

No. 07-22-00309-CV

IN THE INTEREST OF J.R.H. AND A.R.H., CHILDREN

**On Appeal from the 362nd District Court
Denton County, Texas
Trial Court No. 15-08449-211, Honorable Robert Bruce McFarling, Presiding**

November 21, 2022

ORDER OF ABATEMENT AND REMAND

Before QUINN, C.J., and DOSS and YARBROUGH, JJ.

Appellant, Rodolfo G. Rosa, proceeding pro se, appeals from the trial court's *Order of Dismissal*.¹ The clerk's record has been filed. The reporter's record was due October 11, 2022, but was not filed because Rosa purportedly failed to request and make payment arrangements for the record. On October 20, 2022, Rosa filed a copy of a "Request for Court Records and Reporter's Records for Appeal." The document indicates that Rosa also filed a statement of inability to afford payment of court costs. The reporter has since

¹ Originally appealed to the Second Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalizations efforts. See TEX. GOV'T CODE ANN. § 73.001.

notified the Court that she has yet to receive a designation or payment for the reporter's record from Rosa.

It is the appellant's responsibility to request preparation and make payment arrangements for the reporter's record. See TEX. R. APP. P. 35.3(b). When an appellant fails to do so, we may consider and decide an appeal without a reporter's record, unless appellant is entitled to proceed without payment of costs. See TEX. R. APP. P. 37.3(c). Here, we are unable to determine whether Rosa has requested preparation of the reporter's record, made payment arrangements, or sought to proceed without payment of costs.

Accordingly, we abate the appeal and remand this cause to the trial court to determine (1) whether Rosa requested preparation of the reporter's record; (2) if so, what portions of the reporter's record were requested; (3) whether Rosa paid for the reporter's record; and (4) if Rosa has not paid for the reporter's record, whether he is entitled to proceed without payment of costs. See TEX. R. APP. P. 35.3(c) (providing that the trial and appellate court are jointly responsible for ensuring that the appellate record is timely filed); TEX. R. CIV. P. 145 (concerning indigence and payment of costs). The trial court shall enter its findings in a written order and include the order in a supplemental clerk's record which shall be filed with this Court by December 21, 2022.

Per Curiam