

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-10-00061-CV

Jessica Gutierrez Hernandez, Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF MCCULLOCH COUNTY, 198TH JUDICIAL DISTRICT
NO. 2008102, HONORABLE ROB HOFFMAN, JUDGE PRESIDING**

MEMORANDUM OPINION

Jessica Gutierrez Hernandez appeals a judgment terminating her parental rights. The Texas Department of Family and Protective Services filed suit to terminate Hernandez's parental rights with regard to her child M.L.G. *See* Tex. Fam. Code Ann. § 262.001(a) (West 2008). The Department alleged that termination was proper under several provisions of the family code. *See id.* § 161.001(1)(A), (B), (M) (West Supp. 2010).

Hernandez elected a jury trial. During voir dire, her attorney attempted to present the venire with information about certain aspects of Texas family law. The trial court refused to let him present the information.

After a multi-day trial, the jury found by clear and convincing evidence that terminating Hernandez's parental rights was in M.L.G.'s best interest. Accordingly, the court

entered judgment terminating Hernandez’s parental rights. On appeal, Hernandez argues that the trial court erred by limiting her attorney’s presentation to the venire.

We hold that Hernandez failed to preserve error on this issue. “Not later than the 15th day after the date a final order” terminating parental rights “is signed by the trial judge, a party who intends to . . . appeal the order must file with the trial court . . . a statement of the point or points on which the party intends to appeal.” *Id.* § 263.405(b) (West 2008). We “may not consider any issue that was not specifically presented to the trial court in a timely filed statement of the points on which the party intends to appeal.” *Id.* § 263.405(i). The statement of points Hernandez presented to the trial court did not contain the issue Hernandez raises on appeal. We therefore cannot consider the issue. *Id.*; *see also In re J.H.G.*, 302 S.W.3d 304, 305 (Tex. 2010) (per curiam) (issues not included in statement of points are waived on appeal). Hernandez raises no other issues, so we must affirm the judgment.

David Puryear, Justice

Before Chief Justice Jones, Justices Puryear and Pemberton

Affirmed

Filed: May 27, 2011