

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00133-CV

N. K. T., Appellant

v.

Texas Department of Family & Protective Services, Appellee

**FROM THE DISTRICT COURT OF COMAL COUNTY, 274TH JUDICIAL DISTRICT
NO. C2016-0188C, HONORABLE MELISSA McCLENAHAN, JUDGE PRESIDING**

MEMORANDUM OPINION

On April 20, 2017, this Court issued an order and memorandum opinion, remanding this case to the trial court to determine if appellant is indigent and whether an attorney ad litem should be appointed to represent him. *See* Tex. Fam. Code § 107.013(a) (requiring court to appoint attorney ad litem to represent “indigent parent of the child who responds in opposition to the termination or appointment”). On remand, the trial court appointed an attorney ad litem to represent appellant.

In our order and memorandum opinion, we also questioned this Court’s jurisdiction because appellant’s notice of appeal appears premature. On May 4, 2017, appellant, through his appointed counsel, filed a response to this Court’s order, requesting that this Court continue to abate the appeal until July 1, 2017, the date of the trial setting in the underlying proceeding, or to dismiss this appeal and allow appointed counsel to re-file the notice of appeal within 20 days of the date that

the trial court signs a final order. Accordingly, we reinstate the appeal and dismiss it for want of jurisdiction.

Melissa Goodwin, Justice

Before Justices Puryear, Pemberton, and Goodwin

Dismissed for Want of Jurisdiction

Filed: May 11, 2017