



NUMBER 13-07-00655-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

**IN THE INTEREST OF A. R. B., C. D. H., B. S. H., AND R. C. H.,
CHILDREN**

**On appeal from 36th District Court
of Bee County, Texas.**

MEMORANDUM OPINION

**Before Justices Yanez, Garza and Vela
Memorandum Opinion Per Curiam**

A. H., has filed an appeal from the termination of her parental rights to children, A.R.B., C.D.H., B.S.H., and R.C.H. We affirm.

Section 263.405(b) of the Texas Family Code requires an appellant to file, not later than the fifteenth day after a final order is signed, a statement "of the point or points on which the party intends to appeal." TEX. FAM. CODE ANN. § 263.405(b) (Vernon Supp. 2006). The Legislature added a new subsection, effective for appeals filed after September 1, 2005, which provides that the "appellate court 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" See *id.* § 263.405(i) (Vernon Supp. 2006).

Here, the judgment was entered October 2, 2007. The clerk's record, filed in this Court on January 28, 2008, and supplemental clerk's records, filed on February 22, 2008, March 19, 2008, April 23, 2008, June 9, 2008, June 23, 2008 and June 30, 2008, fail to contain a statement of points on appeal.

On March 7, 2008, the Clerk of this Court notified appellant that the record before the Court lacked a statement of points and directed appellant to correct this defect, if such could be done, within ten days from the date of that notice. Appellant has failed to respond to this directive. The statute is clear that a party who does not file a statement of the points on appeal within fifteen days does not preserve any issues for appeal. TEX. FAM. CODE ANN. § 263.405(i); *In re R.M.R.*, 218 S.W.3d 863, 864 (Tex. App.—Corpus Christi 2007, no pet.); *In re M.N.*, 230 S.W.3d 248, 249 (Tex. App.—Eastland 2007, pet. filed); *In re T.T.*, 228 S.W.3d 312 (Tex. App.—Houston [14th Dist.] 2007, pet. denied); *In re J.W.H.*, 222 S.W.3d 661 (Tex. App.—Waco 2007, no pet.); *In re D.A.R.*, 201 S.W.3d 229 (Tex. App.—Fort Worth 2006, no pet.).

In a situation such as this, where no statement of points exists, under the express terms of the statute, there is no contention of error that can be raised that we may consider on appeal. *In re R.M.R.*, 218 S.W.3d at 864. Accordingly, we affirm the judgment of the trial court.

PER CURIAM

Memorandum Opinion delivered and
filed this the 4th day of December, 2008.