



NUMBERS 13-16-00216-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN THE INTEREST OF J.R., III, J.R., and J.A.R., CHILDREN

**On appeal from the County Court at Law No. 5
of Nueces County, Texas.**

Memorandum Opinion

**Before Justices Benavides, Perkes, and Longoria
Memorandum Opinion Per Curiam**

Appellant J.R., Jr. appeals a final order in trial court cause no. 2014-FAM-61743-5 terminating his parental rights over his children, J.R., III, J.R., and J.A.R. The order was signed on February 9, 2016, but appellant did not file a notice of appeal in the trial court until March 16, 2016.¹ We dismiss the appeal for want of jurisdiction.

¹ This Court did not receive the notice of appeal until March 21, 2016.

In suits where the termination of parental rights is in issue, an appeal of a final order is governed by the rules for accelerated appeals in civil cases. See TEX. FAM. CODE ANN. §§ 109.002(a), 263.405(a) (West, Westlaw through 2015 R.S.). In such suits the notice of appeal is due twenty days after the judgment is signed. TEX. R. APP. P. 26.1(b). Post-trial motions or requests for findings of fact or conclusions of law do not extend the deadline to perfect the appeal. *Id.* R. 28.1(b). The appellate court may extend the time to file the notice of appeal if, within fifteen days after the deadline for filing the notice of appeal, the party files the notice of appeal in the trial court and files in the appellate court a motion for extension of time that complies with the appellate rules. *Id.* R. 26.3; see *In re K.A.F.*, 160 S.W.3d 923, 926–27 (Tex. 2005).

On March 22, 2016, the Court informed appellant, pursuant to Texas Rule of Appellate Procedure 42.3(a), that his notice of appeal was untimely. The Clerk of this Court notified appellant of this defect so that steps could be taken to correct the defect, if it could be done. See TEX. R. APP. P. 37.3, 42.3(b), (c). Appellant was advised that, if the defect was not corrected within ten days from the date of receipt of this notice, the appeal would be dismissed for want of jurisdiction. Appellant filed an amended notice of appeal but did not correct the defect.

A motion for extension of time is necessarily implied when an appellant, acting in good faith, files a notice of appeal beyond the time allowed by rule 26.1, but within the fifteen-day grace period provided by Rule 26.3 for filing a motion for extension of time. See *Verburgt v. Dorner*, 959 S.W.2d 615, 617–18, 619 (1997) (construing the

predecessor to Rule 26). However, appellant filed his notice of appeal on March 16, 2016, more than fifteen days after the due date.

Appellant's notice of appeal was untimely, and we lack jurisdiction over this appeal. Because this Court is not authorized to extend the time for perfecting an appeal except as provided by Texas Rules of Appellate Procedure 26.1 and 26.3, we DISMISS the appeal for want of jurisdiction. See TEX. R. APP. P. 42.3(a).

PER CURIAM

Delivered and filed the
28th day of April, 2016.