



NUMBER 13-16-00255-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN THE INTEREST OF N.F., A CHILD

**On appeal from the County Court at Law
of Aransas County, Texas.**

MEMORANDUM OPINION

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

Appellant M.F. attempts to appeal from a judgment terminating his parental rights to N.F., a child, on April 13, 2015.¹ Appellant filed his pro se notice of appeal on May 4,

¹ We will refer to the father as M.F., and his child as N.F., in accordance with rule of appellate procedure 9.8. See TEX. R. APP. P. 9.8(b) (providing that in a parental-rights termination case, "the court must, in its opinion, use an alias to refer to a minor, and if necessary to protect the minor's identity, to the minor's parent or other family member"); see also TEX. FAM. CODE ANN. § 109.002(d) (West, Westlaw through 2015 R.S.) ("On the motion of the parties or on the court's own motion, the appellate court in its opinion may identify the parties by fictitious names or by their initials only.").

2016 but did not file a motion for extension of time to file his notice of appeal. We dismiss the appeal for want of jurisdiction.

The rules for accelerated appeals in civil cases govern an appeal of a final order in suits where the termination of parental rights is in issue. See TEX. FAM. CODE ANN. §§ 109.002(a), 263.405(a) (West, Westlaw through 2015 R.S.). In an accelerated appeal, the notice of appeal must be filed within twenty days after the judgment or order is signed. TEX. R. APP. P. 26.1(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, 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 and that provides a reasonable explanation for failing to timely file his notice of appeal. *Id.* R. 26.3; *In re K.A.F.*, 160 S.W.3d 923, 926–27 (Tex. 2005); *In re B.G.*, 104 S.W.3d 565, 567 (Tex. App.—Waco 2002, no pet.) (determining that a reasonable explanation was given).

On May 25, 2016, following an abatement of this case for a determination of whether M.F. should be appointed counsel,² this Court notified appellant, pursuant to Texas Rule of Appellate Procedure 42.3(a), that his notice of appeal was untimely. The Clerk of this Court informed appellant of this defect so that M.K. could take steps to correct the defect, if it could be done. See TEX. R. APP. P. 37.3, 42.3(b),(c). Appellant was also advised that, if the defect was not corrected within ten days from the date of receipt of the

² Following a hearing on this matter, the trial court found that M.F. was “not entitled to an attorney” because he “did not appear at any court proceeding, did not request any attorney during the proceedings and did not ever present himself to the [c]ourt at any of the scheduled hearings and never expressed opposition to the removal in writing or verbally.”

notice, the appeal would be dismissed for want of jurisdiction.³ Appellant has not responded to the Court's notice.

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
23rd day of June, 2016.

³ The appellate record shows that this notice was received on May 26, 2016.