

**NOS. 12-17-00352-CV
12-17-00353-CV**

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE INTEREST OF</i>	§	<i>APPEAL FROM THE 354TH</i>
<i>C.E., A.M., AND J.M.,</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>CHILDREN</i>	§	<i>RAINS COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

These are appeals from a child protection case. On November 14, 2017, J.M. and M.M. filed a notice of appeal “for several trespasses upon rights” regarding trial court cause numbers 10070 and 10067. In cause number 12-17-00352-CV (trial court cause number 10070), the record indicates that a bench trial is scheduled for January 9, 2018. In cause number 12-17-00353-CV (trial court cause number 10067), the trial court signed an order in aid of investigation of child abuse or neglect on August 23, 2016.

On November 14, in cause number 12-17-00352-CV, this Court notified Appellants that the notice of appeal failed to show the jurisdiction of the Court, i.e., there is no final judgment or appealable order contained therewith. In cause number 12-17-00353-CV, we notified Appellants that the notice of appeal was untimely and there was no timely motion for extension of time to file a notice of appeal. *See* TEX. R. APP. P. 26.1, 26.3. We notified Appellants that the appeals would be dismissed unless the information was amended on or before November 27 to show the Court’s jurisdiction. In response, Appellants maintain that this Court has jurisdiction over proceedings from Rains County, they may challenge a void order in any court and at any time, and there is no time limit in which to appeal.

Unless one of the sources of our authority specifically authorizes an interlocutory appeal, we only have jurisdiction over an appeal taken from a final judgment. *See Lehmann v. Har-Con*

Corp., 39 S.W.3d 191, 195 (Tex. 2001). In suits affecting the parent-child relationship, temporary orders are not subject to interlocutory appeal. See TEX. FAM. CODE ANN. § 105.001(e) (West 2014). Moreover, a bench trial is scheduled for January 9, 2018 in cause number 12-17-00352-CV; thus, there is no final judgment from which an appeal may be taken. See also *In re B.F.G.*, No. 2-09-136-CV, 2009 WL 1996292 (Tex. App.—Fort Worth July 9, 2009, no pet) (dismissing appeal for want of jurisdiction because challenged order was not a final judgment). In cause number 12-17-00353-CV, even assuming that the trial court’s order is appealable, the notice of appeal was not timely, as it was filed more than one year after the order was signed. See TEX. R. APP. P. 26.1(b). This Court is not authorized to extend the time for perfecting an appeal except as provided by the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 26.1, 26.3, 42.3(a). Accordingly, for the above reasons, we *dismiss* the appeals for *want of jurisdiction*. See TEX. R. APP. P. 42.3(a).

Opinion delivered November 30, 2017.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 30, 2017

NO. 12-17-00352-CV

IN THE INTEREST OF C.E., A.M., AND J.M., CHILDREN

Appeal from the 354th District Court
of Rains County, Texas (Tr.Ct.No. 10070)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 30, 2017

NO. 12-17-00353-CV

IN THE INTEREST OF C.E., A.M., AND J.M., CHILDREN

Appeal from the 354th District Court
of Rains County, Texas (Tr.Ct.No. 10067)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.