

COURT OF APPEALS FOR THE SECOND DISTRICT OF TEXAS AT FORT WORTH

In the Interest of E.D., a Child v. the State of Texas

No. 02-26-00079-CV · No. 02-26-00079-CV · Decided March 19, 2026

SUMMARY

The Court of Appeals for the Second District of Texas dismissed a father's restricted appeal from an order dismissing a case for want of prosecution. Because the father filed his notice of appeal more than six months after the order was signed, the court held that it lacked jurisdiction and dismissed the appeal for want of jurisdiction.

CASE DETAILS

COURT	Court of Appeals for the Second District of Texas at Fort Worth
WRITING FOR THE COURT	Birdwell; Bassel; Womack
JURISDICTION	Court of Appeals for the Second District of Texas at Fort Worth
DECIDED	March 19, 2026
DOCKET	02-26-00079-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Father attempted to bring a restricted appeal from the trial court's order dismissing the case for want of prosecution.
STANDARD OF REVIEW	Whether the appellate court has subject-matter jurisdiction over the restricted appeal.
PRECEDENTIAL VALUE	published
PARTIES	Father v. The State of Texas

TOPICS

- termination of parental rights
- appellate jurisdiction
- final judgment rule
- appellate procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over Father's restricted appeal when the notice of appeal was filed more than six months after the trial court signed the challenged order.

HOLDINGS

1. A party seeking a restricted appeal must file the notice of appeal within six months after the challenged judgment or order is signed, and that deadline is jurisdictional. Because Father filed his notice more than six months after the trial court's order, the court lacked jurisdiction over the restricted appeal.
2. When the appellate court notifies an appellant of a potential jurisdictional defect and the appellant's response does not establish grounds for continuing the appeal, the court may dismiss the appeal for want of jurisdiction.

KEY QUOTATIONS

“Because Father did not file his notice of appeal within six months after the trial court’s order was signed, we do not have jurisdiction over his restricted appeal.”

“Accordingly, we dismiss this appeal for want of jurisdiction.”

FACTUAL BACKGROUND

The trial court signed its dismissal order on March 4, 2025. Father did not file his notice of restricted appeal until February 5, 2026, more than six months after the order was signed. The appellate court notified Father of the jurisdictional defect and gave him an opportunity to show grounds for continuing the appeal, but his response did not do so.

PROCEDURAL HISTORY

The 442nd District Court of Denton County signed an Order of Dismissal for Want of Prosecution on March 4, 2025. Father filed a notice of restricted appeal on February 5, 2026. After notifying Father that the appeal appeared untimely and jurisdictionally defective, the court considered his response and dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Ex parte E.H., 602 S.W.3d 486, 495, 497 (Tex. 2020)
- Lab'y Corp. of Am. v. Mid-Town Surgical Ctr., Inc., 16 S.W.3d 527, 529 (Tex. App.—Dallas 2000, no pet.)

OPINION

In the Interest of E.D., a Child v. the State of Texas

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth

IN THE INTEREST OF E.D., A CHILD

On Appeal from the 442nd District Court Denton County, Texas Trial Court No. 20-10169-442
Before Birdwell, Bassel, Womack, JJ. Per Curiam Memorandum Opinion

MEMORANDUM OPINION

Appellant Father,¹ proceeding pro se, attempts to bring a restricted appeal of the trial court's "Order of Dismissal for Want of Prosecution." See Tex. R. App. P. 30. The trial court signed its order on March 4, 2025, so Father's notice of appeal was due September 4, 2025. See Tex. R. App. P. 26.1(c) ("[I]n a restricted appeal, the notice of appeal must be filed within six months after the judgment or order is signed."). However, Father did not file his notice of appeal until February 5, 2026, making it untimely. See *id.* To sustain a restricted appeal, the filing party must show, among other things, that he filed his notice of appeal within six months after the judgment was signed. See *Ex parte E.H.*, 602 S.W.3d 486, 495 (Tex. 2020). This requirement is jurisdictional in this court. *Id.* at 497. Because Father did not file his notice of appeal within six months after the trial court's order was signed, we do not have jurisdiction over his restricted appeal. See *id.*; *Lab'y Corp. of Am. v. Mid-Town Surgical Ctr., Inc.*, 16 S.W.3d 527, 529 (Tex. App.—Dallas 2000, no pet.) (holding that court lacked jurisdiction over restricted appeal because appellant did not file notice of appeal within six months after judgment was signed). We notified Father of our concern that we do not have jurisdiction over his restricted appeal and warned him that we could dismiss the appeal for want of 1 In termination-of-parental-rights cases, we use aliases for the names of the children and their parents. See Tex. Fam. Code Ann. § 109.002(d); Tex. R. App. P. 9.8(b)(2). 2 jurisdiction if he did not file a response showing grounds for continuing it. See Tex. R. App. P. 42.3(a), 44.3. Father filed a response, but it does not show grounds for continuing the appeal. Accordingly, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f); *Lab'y Corp. of Am.*, 16 S.W.3d at 529. Per Curiam Delivered: March 19, 2026 3