

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

In the Interest of D.W., D.B., and J.B., Children v. the State of Texas

No. 02-26-00172-CV · No. No. 02-26-00172-CV · Decided April 23, 2026

SUMMARY

The Court of Appeals for the Second District of Texas dismissed the appeal for want of jurisdiction because the mother's notice of appeal from a final order in a suit affecting the parent-child relationship was untimely. The court noted that the notice was filed well after the accelerated-appeal deadline and that the mother did not respond to the court's jurisdictional warning.

CASE DETAILS

COURT	Court of Appeals for the Second District of Texas at Fort Worth
WRITING FOR THE COURT	Birdwell, J.; Bassel, J.; Womack, J.
JURISDICTION	Court of Appeals for the Second District of Texas at Fort Worth
DECIDED	April 23, 2026
DOCKET	No. 02-26-00172-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Mother attempted to appeal a final order in a suit affecting the parent-child relationship, but filed her notice of appeal well after the accelerated-appeal deadline.
STANDARD OF REVIEW	Appellate jurisdiction is determined under the Texas Rules of Appellate Procedure; an untimely notice of appeal deprives the court of jurisdiction.
PRECEDENTIAL VALUE	Published
PARTIES	Mother v. the State of Texas

TOPICS

- appellate jurisdiction
- family law procedure
- final judgment rule
- appellate procedure
- parental rights

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction when Mother filed her notice of appeal after the twenty-day deadline applicable to an accelerated appeal.
2. Whether the appeal should be dismissed for want of jurisdiction because Mother neither timely filed her notice of appeal nor requested an extension.

HOLDINGS

1. Because the appeal from the final order in the suit affecting the parent-child relationship was accelerated, Mother was required to file her notice of appeal within twenty days after the order was signed. Her notice, filed months late without an extension request, was untimely and did not invoke the court's jurisdiction.

KEY QUOTATIONS

“Because Mother’s notice of appeal was untimely, we dismiss this appeal for want of jurisdiction.”

FACTUAL BACKGROUND

The trial court signed a final order in a suit affecting the parent-child relationship on June 24, 2025. Mother did not file her notice of appeal until March 17, 2026, and did not request an extension. The court of appeals gave Mother and her appointed counsel an opportunity to show grounds for continuing the appeal, but received no response.

PROCEDURAL HISTORY

The 325th District Court of Tarrant County signed the final order on June 24, 2025. Mother filed a pro se notice of appeal on March 17, 2026, although the notice was due July 14, 2025. The court of appeals notified Mother and appointed counsel of its jurisdictional concern and permitted a response, but no response was filed.

DISPOSITION

dismissed

CASES CITED

- Verburgt v. Dorner, 959 S.W.2d 615, 617 (Tex. 1997)
- Howlett v. Tarrant County, 301 S.W.3d 840, 843 (Tex. App.—Fort Worth 2009, pet. denied) (op. on reh’g)
- Wheeler v. Green, 157 S.W.3d 439, 444 (Tex. 2005)

OPINION

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
_____ No. 02-26-00172-CV _____ IN THE

INTEREST OF D.W., D.B., AND J.B., CHILDREN On Appeal from the 325th District Court Tarrant County, Texas Trial Court No. 325-746781-24 Before Birdwell, Bassel, and Womack, JJ. Per Curiam Memorandum Opinion MEMORANDUM OPINION Appellant Mother¹ attempts to appeal the trial court's "Final Order in Suit Affecting the Parent–Child Relationship." Mother filed her notice of appeal pro se, but it appears that she is represented by court-appointed counsel.² The trial court signed its order on June 24, 2025; therefore, Mother's notice of appeal was due July 14, 2025.

See Tex. R. App. P. 26.1(b) (providing that "in an accelerated appeal, the notice of appeal must be filed within 20 days after the judgment or order is signed"), 28.1(b) (stating that accelerated appeal is perfected by filing notice of appeal within time allowed by Rule 26.1(b)).

However, Mother did not file her notice of appeal until March 17, 2026, making it untimely. See Tex. R. App. P. 26.1(b), 28.1(b). Without a timely filed notice of appeal or extension request, we do not have jurisdiction over the appeal, and we must dismiss it. See Tex. R. App. P. 25.1(b), 26.1(b), 26.3; *Verburt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997); *Howlett v. Tarrant County*, 301 S.W.3d 840, 843 (Tex.

App.—Fort Worth 2009, pet. denied) (op. on reh'g); see also *Wheeler v. Green*, 157 S.W.3d 439, 444 (Tex. 2005) ("[P]ro se litigants are In suits affecting the parent–child relationship (SAPCR), we use aliases for the 1 names of the children and their parents. See Tex. Fam. Code Ann. § 109.002(d); Tex. R. App. P. 9.8(b)(2). 2 In the SAPCR order, the trial court orders that Mother's appointed counsel "shall continue in that capacity until all appeals of a final order... are exhausted or waived." Mother's appointed counsel has not filed a motion to withdraw in the trial court or in this court.

2 not exempt from the rules of procedure." On March 19, 2026, we notified Mother and her appointed counsel of our concern that we lack jurisdiction over this appeal because her notice of appeal was untimely. We warned her that we could dismiss this appeal for want of jurisdiction unless she filed a response by March 30, 2026, showing grounds for continuing the appeal.

See Tex. R. App. P. 42.3(a), 44.3. We have not received a response. Because Mother's notice of appeal was untimely, we dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f). Per Curiam Delivered: April 23, 2026 3