

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

In the Interest of A.C., a Child v. the State of Texas

No. 02-26-00036-CV · No. No. 02-26-00036-CV · Decided February 26, 2026

SUMMARY

The Second Court of Appeals of Texas dismissed the appeal for want of jurisdiction because the trial court’s order terminating the mother’s parental rights was interlocutory and did not adjudicate the presumed father’s paternity or parental rights. The court held that the order neither disposed of all parties and claims nor stated with unmistakable clarity that it was a final judgment. The dismissal was without prejudice to a new appeal after entry of a final judgment or severance.

CASE DETAILS

COURT	Court of Appeals for the Second District of Texas at Fort Worth
WRITING FOR THE COURT	Brian Walker; Sudderth, C.J.; Kerr, J.; Walker, J.
JURISDICTION	Court of Appeals for the Second District of Texas at Fort Worth
DECIDED	February 26, 2026
DOCKET	No. 02-26-00036-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Mother, proceeding pro se, attempted to appeal an interlocutory order terminating her parental rights. The court of appeals dismissed the appeal for want of jurisdiction.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	S.M.H., Mother v. the State of Texas

TOPICS

- termination of parental rights
- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- family law procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the trial court's order terminating Mother's parental rights was a final, appealable judgment when the order did not dispose of the presumed father's claims or expressly state with unmistakable clarity that it was final as to all parties and claims.
2. Whether an interlocutory parental-termination order is appealable under Texas law.

HOLDINGS

1. The order was not a final, appealable judgment because it neither actually disposed of all parties and claims nor stated with unmistakable clarity that it was final as to all parties and claims.
2. An interlocutory parental-termination decree is not appealable because the Legislature has not authorized an interlocutory appeal from such an order.

KEY QUOTATIONS

“Thus, we hold that the order is not final and appealable and that an interlocutory appeal of the order is not authorized by statute.” (at 3)

“This dismissal is without prejudice to the filing of a new appeal after the trial court signs a final judgment or severance rendering final judgment as to Mother.” (at 4)

FACTUAL BACKGROUND

The trial court held a hearing and rendered an order terminating Mother's parental rights. The order also identified presumed Father, Y.C., but Father did not appear, and the trial court did not adjudicate his alleged paternity or parental rights. The order stated that the case had been heard and rendered as to Mother only and that the matter was recessed as to Father.

PROCEDURAL HISTORY

The 367th District Court of Denton County rendered an order terminating Mother's parental rights but recessed the matter as to presumed Father, whose paternity and parental rights were not adjudicated. The order did not expressly state with unmistakable clarity that it was final as to all parties and claims. After the court of appeals notified Mother of its jurisdictional concern and gave her an opportunity to respond, she filed no response addressing the concern, and the court dismissed the appeal without prejudice.

DISPOSITION

dismissed

CASES CITED

- In re P.M., No. 01-22-00753-CV, 2023 WL 2415598, at *1 (Tex. App.—Houston [1st Dist.] Mar. 9, 2023, no pet.) (mem. op.) (per curiam)
- CMH Homes v. Perez, 340 S.W.3d 444, 447-48 (Tex. 2011)
- Lehmann v. Har-Con Corp., 39 S.W.3d 191, 192-93, 205 (Tex. 2001)

- In re E.S.T., No. 01-21-00088-CV, 2021 WL 3669629, at *1 (Tex. App.—Houston [1st Dist.] Aug. 18, 2021, no pet.) (mem. op.) (per curiam)
- In re L.L.F., No. 02-11-00154-CV, 2011 WL 4008119, at *1 (Tex. App.—Fort Worth Sept. 8, 2011, no pet.) (mem. op.)
- In re L.A., G.A. III, and M.E.A., No. 08-24-00019-CV, 2024 WL 1776483, at *2 n.2 (Tex. App.—El Paso Apr. 24, 2024, no pet.) (mem. op.)

OPINION

In the Interest of A.C., a Child v. the State of Texas

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
 _____ No. 02-26-00036-CV _____

IN THE INTEREST OF A.C., A CHILD

On Appeal from the 367th District Court Denton County, Texas Trial Court No. 25-0282-367
 Before Sudderth, C.J.; Kerr and Walker, JJ. Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

Appellant S.M.H. (Mother),¹ acting pro se, attempts to appeal from the trial court’s “Interlocutory Order of Termination as to Respondent Mother.” But we lack jurisdiction over the appeal because there is neither a final judgment nor an appealable interlocutory order. The order of termination does contain a “Warning: Appeal of Final Order, Pursuant to § 263.405, TFC,” and “Mother Hubbard” language that “all relief requested in this case and not expressly granted is denied.” But the order lists another respondent in addition to Mother—the presumed father, Y.C. (Father). Father did not appear at the hearing resulting in the termination of Mother’s parental rights, and his alleged paternity and parental rights were not adjudicated. The order does not contain language that it is a final judgment as to all claims and all parties; rather, it recites that the trial court “heard and rendered this case as to respondent [Mother] ONLY[;] the matter recessed as to [Father].” This court generally has jurisdiction only over appeals from final judgments and specific interlocutory orders the legislature has designated as appealable. In re P.M., No. 01-22-00753-CV, 2023 WL 2415598, at *1 (Tex. App.—Houston [1st Dist.] Mar. 9, 2023, no pet.) (mem. op.) (per curiam) (citing CMH Homes v. Perez, 340 S.W.3d 1 To protect the identify of Mother’s minor child, we refer to the parties by their initials or by their relationship to the minor child. See Tex. R. App. P. 9.8(b)(2). 2 444, 447–48 (Tex. 2011); Tex. Civ. Prac. & Rem. Code § 51.014 (listing appealable interlocutory orders)). A judgment is final for purposes of appeal only if it disposes of all pending claims and parties or “states with unmistakable clarity that it is a final judgment as to all claims and all parties.” Lehmann v. Har-Con Corp., 39 S.W.3d 191, 192–93 (Tex. 2001). In contrast, an order is not final merely because it states it is “final” or “appealable” or recites that all relief not expressly granted is denied. Id. at 192, 205. An interlocutory parental-termination decree is not appealable. See In re E.S.T., No. 01-21-00088-CV, 2021 WL 3669629, at *1 (Tex. App.—Houston [1st Dist.] Aug. 18, 2021, no pet.) (mem. op.) (per curiam) (“This Court does not have jurisdiction

over interlocutory appeals of parental[-]termination decrees.”). On January 16, 2026, we notified the parties by letter of our concern that we lack jurisdiction over this appeal because there does not appear to be a final judgment or an appealable interlocutory order.² We instructed Mother to file a response showing grounds for continuing the appeal and warned that if she did not file a response by January 26, 2026, we could dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 44.3. Mother did not file a response.³ ² The trial-court clerk informed us that the trial-court judge has not signed a final judgment or an appealable interlocutory order. ³ Mother filed a second notice of appeal on January 30, 2026, but that filing did not address our jurisdictional concern or show grounds for continuing the appeal. ³ The trial court heard and rendered its interlocutory order of termination as to Mother only and recessed the matter as to Father without adjudicating his paternity or parental rights. We conclude that the order Mother seeks to appeal neither “actually disposes” of all parties and all claims nor states with “unmistakable clarity” that it is intended to be a final judgment as to all parties and all claims. See *Lehmann*, 39 S.W.3d at 192–93. Thus, we hold that the order is not final and appealable and that an interlocutory appeal of the order is not authorized by statute. See *id.*; E.S.T., 2021 WL 3669629, at *1. Accordingly, we dismiss this appeal for want of jurisdiction.⁴ Tex. R. App. P. 43.2(f), see E.S.T., WL 3669629, at *1 (dismissing appeal of parental- termination decree for want of jurisdiction when decree did not dispose of all parties and issues); *In re L.L.F.*, No. 02–11–00154–CV, 2011 WL 4008119, at *1 (Tex. App.—Fort Worth Sept. 8, 2011, no pet.) (mem. op.) (dismissing appeal for want of jurisdiction when trial court’s order terminated mother’s parental rights to her four children, terminated father’s rights to two of those children, but did not terminate parental rights of alleged biological father to other two children). /s/ Brian Walker Brian Walker Justice Delivered: February 26, 2026 ⁴ This dismissal is without prejudice to the filing of a new appeal after the trial court signs a final judgment or severance rendering final judgment as to Mother. See *In re L.A., G.A. III, and M.E.A.*, No. 08-24-00019-CV, 2024 WL 1776483, at *2 n.2 (Tex. App.—El Paso Apr. 24, 2024, no pet.) (mem. op.). ⁴