

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

No. 02-19-00364-CV

IN THE INTEREST OF H.L., A CHILD

On Appeal from the 324th District Court
Tarrant County, Texas
Trial Court No. 324-595838-16

Before Sudderth, C.J.; Gabriel and Wallach, JJ.
Memorandum Opinion by Justice Wallach



COURT OF APPEALS
SECOND DISTRICT OF TEXAS

CHIEF JUSTICE
BONNIE SUDDERTH

JUSTICES
LEE GABRIEL
ELIZABETH KERR
J. WADE BIRDWELL
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DANA WOMACK
MIKE WALLACH

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December 19, 2019

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Hon. Jerome S. Hennigan
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H. L.

RE: Court of Appeals Number: 02-19-00364-CV
Trial Court Case Number: 324-595838-16

Style: In the Interest of H.L., a Child

Today the Second Court of Appeals issued an opinion and judgment in the above-referenced cause. Copies of the opinion and judgment are attached and can also be viewed on our Court's webpage at: <http://www.txcourts.gov/2ndcoa>.

Respectfully yours,

DEBRA SPISAK, CLERK

Debra Spisak

MEMORANDUM OPINION

On October 4, 2019, pro se Appellants, the child H.L.'s parents (Parents), filed a notice of appeal from the associate judge's September 17, 2019 report. Parents timely requested a de novo hearing before the referring district court, and that hearing was held September 30, 2019, but no resulting order has been signed. This court therefore notified the parties that absent a response showing grounds for continuing the appeal, this court could dismiss the appeal based on the absence of a final judgment or an appealable interlocutory order. In Parents' response, they indicate that they are instead seeking a restricted appeal of the May 30, 2019 final judgment. Either way, we lack jurisdiction.

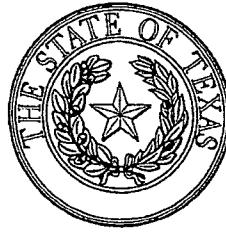
We have appellate jurisdiction of appeals from final judgments and from interlocutory orders that the legislature has specified are appealable. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001); *see, e.g.*, Tex. Civ. Prac. & Rem. Code Ann. § 51.014. *First*, absent some exceptions not applicable here, when a party in a family law case files a timely request for a de novo hearing challenging the associate judge's report, that report is not a final judgment or an appealable order. *See* Tex. Fam. Code Ann. §§ 201.015, 201.016; *In re C.R.-A.A.*, No. 04-16-00587-CV, 2016 WL 6238237, at *1 (Tex. App.—San Antonio Oct. 26, 2016, no pet.) (per curiam) (mem. op.); *Graham v. Graham*, 414 S.W.3d 800, 801 (Tex. App.—Houston [1st Dist.] 2013, no pet.). Accordingly, we do not have jurisdiction over an appeal from the associate judge's September 17, 2019 report.

Second, to the extent Parents claim that their notice of appeal is in fact a notice of restricted appeal from the May 30, 2019 final judgment, Rule 30 of the Texas Rules of Appellate Procedure does not allow parties (like Parents) who participated in the hearing resulting in the judgment challenged to file a restricted appeal. *See* Tex. R. App. P. 30; *Franklin v. Wilcox*, 53 S.W.3d 739, 741 (Tex. App.—Fort Worth 2001, no pet.) (dismissing attempted restricted appeal for want of jurisdiction when Franklin “appeared at the hearing through his attorney” and “participated through his attorney in the hearing” by conducting cross-examination). The Rule 30 requirements are jurisdictional. *In re B.H.B.*, 336 S.W.3d 303, 305 (Tex. App.—San Antonio 2010, pet. denied).

Because the associate judge’s September 17, 2019 report is not a final judgment or an appealable order and because Parents cannot meet the Rule 30 requirements for filing a restricted appeal from the May 30, 2019 final judgment, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. 30, 42.3(a), 43.2(f).

/s/ Mike Wallach
Mike Wallach
Justice

Delivered: December 19, 2019



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Second Appellate District of Texas
at Fort Worth**

No. 02-19-00364-CV

IN THE INTEREST OF H.L., A CHILD

§ On Appeal from the 324th District Court

§ of Tarrant County (324-595838-16)

§ December 19, 2019

§ Opinion by Justice Wallach

JUDGMENT

This court has considered the record on appeal in this case and holds that the appeal should be dismissed. It is ordered that the appeal is dismissed for want of jurisdiction.

SECOND DISTRICT COURT OF APPEALS

By /s/ Mike Wallach
Justice Mike Wallach



**OFFICIAL NOTICE FROM
SUPREME COURT OF TEXAS**

RE: Case No. 20-0002
COA #: 02-19-00364-CV
STYLE: IN RE H.L., A CHILD

DATE: 3/6/2020
TC#: 324-595838-16

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

MAIL TO:

H. L.
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Arlington, TX 76013



**OFFICIAL NOTICE FROM
SUPREME COURT OF TEXAS**

RE: Case No. 20-0002
COA #: 02-19-00364-CV
STYLE: IN RE H.L., A CHILD

DATE: 3/6/2020
TC#: 324-595838-16

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

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