

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

In the Interest of A.R.E., a Child

No. 04-14-00593-CV (Tex. App.—San Antonio Sept. 11, 2014) · No. No. 04-14-00593-CV · Decided September 11, 2014

SUMMARY

The Fourth Court of Appeals of San Antonio issued an order in an accelerated appeal from an order terminating parental rights. The court directed newly appointed appellate counsel to respond to a prior show-cause order by September 17, 2014 and declared motions filed by former counsel moot.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Catherine Stone, Chief Justice
JURISDICTION	Texas
DECIDED	September 11, 2014
DOCKET	No. 04-14-00593-CV
DISPOSITION	other
PROCEDURAL POSTURE	Accelerated appeal from an order terminating appellant's parental rights. The court issued a show-cause order questioning appellate jurisdiction and directed newly appointed appellate counsel to respond.
PRECEDENTIAL VALUE	published
PARTIES	Appellant whose parental rights were subject to termination

TOPICS

termination of parental rights family law procedure appellate jurisdiction appellate procedure

PRACTICE AREAS

family law appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for lack of appellate jurisdiction.

2. What response deadline should apply after new appellate counsel was appointed in an accelerated parental-rights appeal subject to a 180-day disposition requirement.

HOLDINGS

1. Newly appointed appellate counsel Manuel C. Rodriguez, Jr. was ordered to file a written response to the court's August 27, 2014 show-cause order no later than September 17, 2014.
2. The motions filed by former counsel Laura D. Heard were declared moot following her withdrawal from the case.

KEY QUOTATIONS

"This is an accelerated appeal of the trial court's order terminating appellant's parental rights which is required to be brought to final disposition within 180 days of the date the notice of appeal is filed."

FACTUAL BACKGROUND

The appeal concerns the termination of appellant's parental rights to A.R.E., a child. The record excerpt does not provide substantive facts underlying the termination order. The procedural circumstances material to this order are the withdrawal of appointed counsel, appointment of new appellate counsel, and the appellate court's jurisdictional inquiry.

PROCEDURAL HISTORY

The 225th Judicial District Court of Bexar County entered an order terminating appellant's parental rights. The matter was brought as an accelerated appeal subject to the requirement that it be finally disposed of within 180 days after the notice of appeal. After the trial court allowed appointed counsel Laura D. Heard to withdraw and appointed Manuel C. Rodriguez, Jr. as new appellate counsel, the court of appeals ordered the new counsel to respond to its prior show-cause order concerning possible lack of jurisdiction.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas September 11, 2014 No. 04-14-00593-CV IN THE INTEREST OF A.R.E., a Child, From the 225th Judicial District Court, Bexar County, Texas Trial Court No. 2013-PA-01424 Honorable Charles E. Montemayor, Judge Presiding ORDER This is an accelerated appeal of the trial court's order terminating appellant's parental rights which is required to be brought to final disposition within 180 days of the date the notice of appeal is filed.

TEX. R. JUD. ADMIN. 6.2. On August 27, 2014, this court issued an order requiring appellant to show cause in writing why this appeal should not be dismissed for lack of jurisdiction. Appellant's

response was due to be filed September 11, 2011; however, on September 9, 2011, the trial court permitted appellant's appointed counsel to withdraw and appointed new appellate counsel.

It is therefore ORDERED that appellant's newly appointed counsel, Manuel C. Rodriguez, Jr., file a response to this court's August 27, 2014 show cause order no later than September 17, 2014. Given the time constraints governing our disposition of this appeal, requests for extensions of time are disfavored.

The motions filed by appellant's former counsel, Laura D. Heard, are MOOT.
_____ Catherine Stone, Chief Justice IN WITNESS
WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 11th day of
September, 2014. _____ Keith E. Hottle Clerk of Court