

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

D. H. a/k/a D. T. v. Texas Department of Family and Protective Services

No. 03-12-00471-CV · No. No. 03-12-00471-CV · Decided September 28, 2012

SUMMARY

The Texas Court of Appeals, Third District, ordered counsel for appellant D. H. a/k/a D. T. to file an overdue brief by October 15, 2012. The order warned that failure to comply could require counsel to show cause why counsel should not be held in contempt, noting the accelerated schedule for termination-of-parental-rights appeals.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Per Curiam; Chief Justice Jones; Justice Rose; Justice Goodwin
JURISDICTION	Texas
DECIDED	September 28, 2012
DOCKET	No. 03-12-00471-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed an interlocutory appellate order in an appeal from a suit for termination of parental rights after failing to file her brief by the original deadline.
PRECEDENTIAL VALUE	Published per curiam appellate order; no precedential holding on the underlying termination-of-parental-rights merits appears in the text.
PARTIES	D. H. a/k/a D. T. v. Texas Department of Family and Protective Services

TOPICS

termination of parental rights

appellate procedure

family law procedure

contempt

PRACTICE AREAS

family law

appellate procedure

QUESTIONS PRESENTED

1. Whether the appellate court should extend the deadline for appellant's brief and require its filing in light of the accelerated schedule for appeals from suits for termination of parental rights.

HOLDINGS

1. The court ordered appellant's counsel to file appellant's brief no later than October 15, 2012.
2. If appellant's brief was not filed by October 15, 2012, counsel could be required to show cause why counsel should not be held in contempt of court.

KEY QUOTATIONS

"Therefore we order counsel to file appellant's brief no later than October 15, 2012." (Order dated September 28, 2012)

"If the brief is not filed by that date, counsel may be required to show cause why he should not be held in contempt of court." (Order dated September 28, 2012)

FACTUAL BACKGROUND

The appeal arose from a suit for termination of parental rights. The appellate record was completed on September 5, 2012, but appellant did not file her brief by the September 25, 2012 deadline. The court noted that amended rules accelerated the final disposition of termination appeals and required counsel to comply more closely with briefing deadlines.

PROCEDURAL HISTORY

D. H. a/k/a D. T. filed a notice of appeal on July 16, 2012, from proceedings in the 345th District Court of Travis County. The appellate record was completed on September 5, 2012, and appellant's brief was due September 25, 2012, but had not been filed when the court issued this order.

DISPOSITION

other

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-12-00471-CV D. H. a/k/a D. T., Appellant v. Texas Department of Family and Protective Services, Appellee FROM THE 345th District Court OF Travis COUNTY, NO. D-1-FM-11-000099, The Honorable Scott H. Jenkins, JUDGE PRESIDING O R D E R PER CURIAM Appellant D. H. a/k/a D. T. filed her notice of appeal on July 16, 2012.

The appellate record was complete September 5, 2012, making appellant=s brief due September 25, 2012. To date, appellant=s brief has not been filed. Recent amendments to the rules of judicial administration accelerate the final disposition of appeals from suits for termination of parental rights. See Tex. R. Jud. Admin. 6.2(a), available at <http://www.supreme.courts.state.tx.us/MiscDocket/12/12903200.pdf> (providing 180 days for court's final disposition).

The accelerated schedule requires greater compliance with briefing deadlines. Therefore we order counsel to file appellant=s brief no later than October 15, 2012. If the brief is not filed by that date, counsel may be required to show cause why he should not be held in contempt of court. It is ordered on September 28, 2012.

Before Chief Justice Jones, Justices Rose and Goodwin