

# COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

## In the Interest of B.M.M., a Child

No. 04-17-00860-CV (Tex. App.—San Antonio Feb. 2, 2018) · No. 04-17-00860-CV · Decided February 2, 2018

### SUMMARY

The Fourth Court of Appeals of San Antonio granted appellant’s motion for a twenty-day extension to file a brief in an accelerated appeal from an order terminating parental rights. The court ordered the brief due February 21, 2018, and cautioned that further extensions would be disfavored because termination appeals must be resolved within 180 days.

### CASE DETAILS

|                       |                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Fourth District, San Antonio                                                                                                   |
| WRITING FOR THE COURT | Marialyn Barnard                                                                                                                                          |
| JURISDICTION          | Texas                                                                                                                                                     |
| DECIDED               | February 2, 2018                                                                                                                                          |
| DOCKET                | 04-17-00860-CV                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                     |
| PROCEDURAL POSTURE    | Accelerated appeal from an order terminating appellant's parental rights; appellant moved for a twenty-day extension of time to file the appellate brief. |
| PRECEDENTIAL VALUE    | Published order addressing appellate briefing procedure                                                                                                   |
| PARTIES               | Appellant                                                                                                                                                 |

### TOPICS

[appellate procedure](#)[termination of parental rights](#)[family law procedure](#)

### PRACTICE AREAS

[appellate procedure](#)[family law](#)[termination of parental rights](#)

### QUESTIONS PRESENTED

1. Whether appellant should receive a twenty-day extension of time to file the appellate brief in an accelerated parental-rights-termination appeal.

## HOLDINGS

1. The motion for a twenty-day extension of time was granted, and appellant was ordered to file the brief on or before February 21, 2018.

## KEY QUOTATIONS

*“Accordingly, any delay in the filing of the brief encroaches upon our time for disposition, and further requests for extensions of time will be disfavored.”*

## FACTUAL BACKGROUND

The underlying proceeding involved termination of appellant's parental rights to B.M.M. The appellate filing at issue was appellant's brief, which was due February 1, 2018. Appellant's counsel requested additional time to research and prepare the brief.

## PROCEDURAL HISTORY

The 225th Judicial District Court of Bexar County, Texas, in trial cause number 2017-PA-00506, entered an order terminating appellant's parental rights. On appeal, appellant's brief was due February 1, 2018, and appellant moved that day for a twenty-day extension. The court granted the motion and ordered the brief filed by February 21, 2018.

## DISPOSITION

other

## OPINION

### PER CURIAM.

Fourth Court of Appeals San Antonio, Texas February 2, 2018 No. 04-17-00860-CV IN THE INTEREST OF B.M.M., A CHILD, From the 225th Judicial District Court, Bexar County, Texas Trial Court No. 2017-PA-00506 Honorable Richard Garcia, Judge Presiding ORDER This is an accelerated appeal from a trial court's order terminating appellant's parental rights. Appellant's brief was due on February 1, 2018, and on that day, appellant filed a motion requesting an extension of time of twenty days.

In his motion, appellant's counsel states he needs additional time to research and prepare the brief. After consideration, we GRANT appellant's motion for extension of time to file a brief and ORDER that appellant file his brief on or before February 21, 2018. Counsel is reminded that this court is mandated to dispose of appeals involving termination of parental rights within 180 days from the date the notice of appeal is filed.

TEX. R. JUD. ADMIN. 6.2. Accordingly, any delay in the filing of the brief encroaches upon our time for disposition, and further requests for extensions of time will be disfavored.

\_\_\_\_\_ Marialyn Barnard, Justice IN WITNESS WHEREOF, I  
have hereunto set my hand and affixed the seal of the said court on this 2nd day of February, 2018.  
\_\_\_\_\_ KEITH E. HOTTLE, Clerk of Court

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