

COURT OF APPEALS OF TEXAS, THIRD DISTRICT, AT AUSTIN

D. N. v. Texas Department of Family and Protective Services

No. 03-22-00601-CV · No. No. 03-22-00601-CV · Decided December 1, 2022

SUMMARY

The Texas Court of Appeals, Third District, granted appellant D. N.'s motion for an extension of time to file her brief in an accelerated parental-rights termination appeal. The court ordered counsel to file the brief by December 18, 2022, and warned that failure to do so could result in a show-cause order regarding contempt.

CASE DETAILS

COURT	Court of Appeals of Texas, Third District, at Austin
WRITING FOR THE COURT	Per Curiam; Chief Justice Byrne; Justice Triana; Justice Smith
JURISDICTION	Texas
DECIDED	December 1, 2022
DOCKET	No. 03-22-00601-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed an appeal from the 421st District Court of Caldwell County and moved for an extension of time to file her appellate brief.
PRECEDENTIAL VALUE	published
PARTIES	D. N. 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

civil procedure

QUESTIONS PRESENTED

- Whether appellant should receive an extension of time to file her appellate brief in an accelerated parental-rights appeal.

HOLDINGS

1. The court granted appellant's motion for extension and ordered counsel to file appellant's brief by December 18, 2022.
2. If the brief is not filed by December 18, 2022, counsel may be required to show cause why he should not be held in contempt of court.

FACTUAL BACKGROUND

The appeal arose from a suit involving termination of parental rights, which is subject to an accelerated appellate schedule. After the appellate record was completed, appellant's brief was due on November 28, 2022. Appellant's counsel sought additional time before that deadline, and the appellate court granted a limited extension.

PROCEDURAL HISTORY

D. N. filed her notice of appeal on September 21, 2022. The appellate record became complete on November 8, 2022, and her brief was due on November 28, 2022. On November 22, 2022, appellant's counsel moved for an extension, which the court granted, setting December 18, 2022, as the new deadline.

DISPOSITION

other

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-22-00601-CV D. N., Appellant v. Texas Department of Family and Protective Services, Appellee FROM THE 421ST DISTRICT COURT OF CALDWELL COUNTY NO. 21-FL-132, THE HONORABLE THOMAS NATHANIEL STUCKEY, JUDGE PRESIDING ORDER PER CURIAM Appellant D. N. filed her notice of appeal on September 21, 2022.

The appellate record was complete on November 8, 2022, making appellant's brief due on November 28, 2022. On November 22, 2022, counsel for appellant filed a motion for extension of time to file appellant's brief. 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) (providing 180 days for court's final disposition). The accelerated schedule constrains this Court's leeway in granting extensions. In this instance, we will grant the motion and order James B. Peplinski to file appellant's brief no later than December 18, 2022. 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 December 1, 2022. Before Chief Justice Byrne, Justices Triana and Smith 2

