

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

In the Interest of M.D.C., II, et al. Children

No. 04-20-00606-CV · No. 04-20-00606-CV · Decided January 29, 2021

SUMMARY

The Fourth Court of Appeals of San Antonio issued an order in an accelerated appeal from an order terminating parental rights. Because appointed counsel filed an Anders brief and a motion to withdraw, the court gave the appellant twenty days to file a pro se brief and held the motion to withdraw in abeyance.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Patricia O. Alvarez, Justice
JURISDICTION	Texas
DECIDED	January 29, 2021
DOCKET	04-20-00606-CV
DISPOSITION	other
PROCEDURAL POSTURE	Accelerated appeal from an order terminating Appellant's parental rights. Appellant's court-appointed attorney filed an Anders brief and a motion to withdraw.
PRECEDENTIAL VALUE	Published order; precedential status indicated by the provided metadata
PARTIES	Appellant v. The State

TOPICS

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

PRACTICE AREAS

[family law](#)[appellate procedure](#)[civil procedure](#)

QUESTIONS PRESENTED

1. Whether, in an accelerated parental-rights-termination appeal in which appointed counsel filed an Anders brief and moved to withdraw, Appellant should be afforded an opportunity to file a pro se brief

before the motion to withdraw is decided.

HOLDINGS

1. When appointed counsel files an Anders brief and motion to withdraw, the appellant must be informed of the right to file a pro se brief and given an opportunity to do so before the court rules further on the withdrawal motion.

KEY QUOTATIONS

“If Appellant desires to file a pro se brief, we ORDER Appellant to do so within TWENTY DAYS of the date of this order.”

“The motion to withdraw is HELD IN ABEYANCE pending further order of this court.”

FACTUAL BACKGROUND

The trial court entered an order terminating Appellant's parental rights concerning the children identified as M.D.C., II, et al. The record does not contain substantive facts concerning the underlying termination because this order addresses only the Anders appellate procedure.

PROCEDURAL HISTORY

The 166th Judicial District Court of Bexar County entered an order terminating Appellant's parental rights. On appeal, appointed counsel filed an Anders brief asserting that the appeal was frivolous and without merit and moved to withdraw. The court ordered Appellant to file any pro se brief within twenty days and held the motion to withdraw in abeyance.

DISPOSITION

other

CASES CITED

- Anders v. California, 386 U.S. 738, 744 (1967)
- In re R.R., No. 04-03-00096-CV, 2003 WL 21157944, at *4 (Tex. App.—San Antonio May 21, 2003, no pet.)