

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

In the Interest of F.L.H., III et al., Minor Children

No. 04-17-00425-CV (Tex. App.—San Antonio Aug. 9, 2017) · No. 04-17-00425-CV · Decided August 9, 2017

SUMMARY

The Fourth Court of Appeals of San Antonio clarifies the deadline for filing an appellant's brief in an accelerated appeal involving termination of parental rights. Applying Texas Rule of Appellate Procedure 38.6(a), the court concludes that the brief was due no later than August 14, 2017.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	August 9, 2017
DOCKET	04-17-00425-CV
DISPOSITION	other
PROCEDURAL POSTURE	In an accelerated termination-of-parental-rights appeal, appellant's attorney moved for clarification of the due date for appellant's brief after the reporter's record and supplemental clerk's record were filed.
PRECEDENTIAL VALUE	Published procedural order
PARTIES	Appellant v. Minor children

TOPICS

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

PRACTICE AREAS

[Appellate procedure](#) [Family law](#) [Termination of parental rights](#)

QUESTIONS PRESENTED

1. When was appellant's brief due under Texas Rule of Appellate Procedure 38.6(a) in this accelerated appeal?

HOLDINGS

1. Under Texas Rule of Appellate Procedure 38.6(a), appellant's brief was due no later than August 14, 2017, twenty days after the later of the clerk's-record filing date and the reporter's-record filing date.

KEY QUOTATIONS

“an appellant must file a brief within . . . 20 days in an accelerated appeal—after the later of: (1) the date the clerk’s record is filed; or the date the reporter’s record is filed.”

FACTUAL BACKGROUND

The trial court signed an order terminating parental rights on July 25, 2017. The reporter's record was filed on July 14, 2017, and the supplemental clerk's record, which included the termination order, was filed on July 28, 2017. Appellant's attorney sought clarification of the deadline for filing appellant's brief.

PROCEDURAL HISTORY

The case arose from the 45th Judicial District Court of Bexar County, Texas, trial court cause number 2016PA01447. The trial court signed an order of termination on July 25, 2017. After the appellate record materials were filed, appellant's attorney requested clarification of the briefing deadline.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas August 9, 2017 No. 04-17-00425-CV IN THE INTEREST OF F.L.H., III ET AL., MINOR CHILDREN, From the 45th Judicial District Court, Bexar County, Texas Trial Court No. 2016PA01447 Honorable Stephani A. Walsh, Judge Presiding ORDER On July 31, 2017, Appellant’s attorney filed a motion requesting this court clarify the due date for appellant’s brief.

The reporter’s record was filed on July 14, 2017, and the supplemental clerk’s record was filed on July 28, 2017. Included in the supplemental clerk’s record was a copy of the trial court’s order of termination signed on July 25, 2017. Rule 38.6(a) of the Texas Rules of Appellate Procedure provides that “an appellant must file a brief within... 20 days in an accelerated appeal—after the later of: (1) the date the clerk’s record is filed; or the date the reporter’s record is filed.” TEX. R. APP.

P. 38.6(a). Accordingly, any appellant brief filed with this court is due no later than August 14, 2017. _____ Patricia O. Alvarez, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 9th day of August, 2017. _____ Luz Estrada Chief Deputy Clerk

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