

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

In the Interest of C.J.P., O.R.P., B.H.P., Children

No. 05-22-00233-CV · No. 05-22-00233-CV · Decided May 6, 2022

OPINION

PER CURIAM.

Order entered May 6, 2022 In The Court of Appeals Fifth District of Texas at Dallas No. 05-22-00233-CV IN THE INTEREST OF C.J.P., O.R.P., B.H.P., CHILDREN On Appeal from the 305th Judicial District Court Dallas County, Texas Trial Court Cause No. JC-19-01286-X ORDER The reporter's record in this accelerated parental termination appeal is overdue. It was requested March 18, 2022 and first due March 28, 2022.

When it had not been filed by March 30, we directed Pamela Sumler, at the time the Official Court Reporter for the 305th Judicial District Court, to file the record within ten days. When it had not been filed by April 19, we ordered Ms. Sumler to file the record by April 29. Ms. Sumler retired after this appeal was filed, and it appears she was unaware of our April 19th order as the order was sent to her court address.

Although a copy of the order was also sent to the trial court judge and the trial court coordinator, the Court has received no communication from the trial court concerning the record. Given that Ms. Sumler is now retired and that the reporter's record is more than a month overdue, we determine the best course to ensure the record is filed expeditiously is for the trial court to conduct a hearing at which Ms. Sumler, any other reporter who recorded any portion of the proceedings, and a reporter designated by the trial court and who is able to prepare and file the record no later than May 23, 2022 shall be present.

The trial court shall hold the hearing no later than May 13, 2022 and shall file written findings as to whether the portion of the proceedings designated by appellant in his March 18 request can be transcribed and whether the requested exhibits can be included in the record. If any portion of the proceedings cannot be transcribed and/or any requested exhibit cannot be included, the trial court shall determine the reason for that.

The trial court shall also determine whether the missing portion and/or exhibit are necessary to the resolution of the appeal and can be replaced by agreement. See TEX. R. APP. P. 34.6(f). The trial court shall provide the reporters and parties a minimum forty- eight hours' notice of the hearing.

The trial court's written findings shall be filed in a supplemental clerk's record no later than May 16, 2022. A reporter's record of the hearing shall also be filed no later than May 16, 2022. We DIRECT the Clerk of the Court to send a copy of this order to the Honorable Cheryl Lee Shannon,

Presiding Judge of the 305th Judicial District Court; Dallas County District Clerk Felicia Pitre; Tracie Broadnax, Court Coordinator for the 305th Judicial District Court; Ms. Sumler; and, the parties.

We ABATE the appeal to allow the trial court an opportunity to conduct the hearing. The appeal will be reinstated no later than May 19, 2022. /s/ ROBBIE PARTIDA-KIPNESS JUSTICE

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