

## TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

### B. A. B. v. Texas Department of Family and Protective Services

B. A. B. · No. 03-19-00793-CV · Decided January 10, 2020

#### SUMMARY

The Texas Court of Appeals, Third District, grants appellant's counsel a second extension of time to file a brief in an appeal from a parental-rights termination proceeding. The court orders the brief filed by January 16, 2020, and warns that failure to comply may result in a show-cause order concerning contempt.

#### CASE DETAILS

|                       |                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Texas Court of Appeals, Third District, at Austin                                                                                            |
| WRITING FOR THE COURT | Per Curiam; Chief Justice Rose; Justice Baker; Justice Triana                                                                                |
| JURISDICTION          | Texas                                                                                                                                        |
| DECIDED               | January 10, 2020                                                                                                                             |
| DOCKET                | 03-19-00793-CV                                                                                                                               |
| DISPOSITION           | other                                                                                                                                        |
| PROCEDURAL POSTURE    | Appellant sought an extension of time to file the appellant's brief in an accelerated appeal from a suit for termination of parental rights. |
| PRECEDENTIAL VALUE    | published                                                                                                                                    |
| PARTIES               | B. A. B. 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

#### QUESTIONS PRESENTED

1. Whether the court should grant appellant's counsel a second extension of time to file the appellant's brief despite the accelerated schedule applicable to termination-of-parental-rights appeals.

#### HOLDINGS

1. The court granted counsel a second extension because the extenuating circumstances presented warranted additional time, ordering the appellant's brief filed no later than January 16, 2020.

#### KEY QUOTATIONS

*“The accelerated schedule constrains this Court’s leeway in granting extensions.”* (unpaginated)

#### FACTUAL BACKGROUND

This was an accelerated appeal from a suit for termination of parental rights. The appellate record became complete on November 7, 2019, making the appellant's brief initially due on November 27, 2019; the court later extended the deadline to December 17, 2019. Appellant's counsel requested another extension because a close relative was critically ill and hospitalized.

#### PROCEDURAL HISTORY

B. A. B. filed a notice of appeal on November 1, 2019. After the appellate record became complete, the court ordered the appellant's brief filed by December 17, 2019. On January 3, 2020, appellant's counsel moved for another extension because of the critical illness and hospitalization of a close relative. The court granted a second extension and ordered the brief filed by January 16, 2020.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

Counsel was ordered to file appellant's brief no later than January 16, 2020. If the brief was not filed by that date, counsel could be required to show cause why she should not be held in contempt of court.

#### INSTRUCTIONS FOR AN AI ASSISTANT

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