

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.

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-19-00793-CV B. A. B., Appellant v. Texas Department of Family and Protective Services, Appellee FROM THE 340TH DISTRICT COURT OF TOM GREEN COUNTY NO. C180096CPS, THE HONORABLE GARY L. BANKS, JUDGE PRESIDING ORDER PER CURIAM Appellant B. A. B. filed his notice of appeal on November 1, 2019.

The appellate record was complete November 7, 2019, making appellant’s brief due on November 27, 2019. On December 4, 2019, this Court ordered appellant’s counsel to file appellant’s brief no later than December 17, 2019.

On January 3, 2020, counsel for appellant filed a motion for extension of time to file appellant’s brief, explaining that she needed more time due to the critical illness and hospitalization of a close

relative. 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, due to the extenuating circumstances presented here, we will grant counsel a second extension of time.

We order counsel to file appellant's brief no later than January 16, 2020. If the brief is not filed by that date, counsel may be required to show cause why she should not be held in contempt of court. It is ordered on January 10, 2020.

Before Chief Justice Rose, Justices Baker and Triana 2