

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILSON and LAKEYSHA	§
DEVIEUX,	§
	§ No. 93, 2001
Respondents Below,	§
Appellants,	§ Court Below - Family Court of §
	the State of Delaware in and for §
v.	Sussex County in File Nos. 99-
	§ 11-01TPR; 99-11-02TPR; 99-
DIVISION OF FAMILY	§ 11-03TPR.
SERVICES,	§
	§
Petitioner Below	§
Appellee.	§

Submitted: March 8, 2001
Decided: March 16, 2001

Before HOLLAND, BERGER and STEELE , Justices.

ORDER

This 16th day of March 2001, it appears to the Court that:

(1) On February 27, 2001, Edith H. Hull, Esquire, filed a notice of appeal from the Family Court's decision of January 24, 2001, that terminated the parental rights of Wilson and Lakeysha Devieux ("Respondents") in their minor children. Because the notice of appeal appeared to be untimely filed, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) that directed Ms. Hull to show cause why the appeal

should not be dismissed. Ms. Hull has not filed a response to the notice to show cause.

(2) By this Court's decision of February 27, 2001, Ms. Hull was suspended from engaging in the practice of law for two years, beginning March 12, 2001.¹ In anticipation of the March 12 effective date of her suspension, Ms. Hull, on March 8, 2001, filed a motion to withdraw as counsel for the Respondents in this appeal.

(3) The Court concludes that Ms. Hull's motion to withdraw should be granted, and that substitute counsel should be appointed to represent the Respondents in this appeal. The Court further concludes that, under the circumstances in this case, including the apparent untimeliness of the notice of appeal, a remand is appropriate for the entry of a new order terminating the Respondents' parental rights.² Accordingly, substitute counsel should represent the Respondents not only in this appeal, but also in the Family Court on remand, and in any appeal that is generated from the new order terminating the Respondents' parental rights.

¹ *In re Hull*, Del. Supr., ___ A.2d ___, No. 443, 2000, *per curiam*, 2001 WL 208751 (Feb. 27, 2001).

² See *Farley v. Dep't of Services for Children, Youth and Their Families*, Del. Supr., No. 368, 2000, Berger, J., 2000 WL 1862231 (Dec. 15, 2000) (ORDER) (concluding that a remand is appropriate in certain cases where a parent wishes to appeal the termination of parental rights, but the parent's attorney fails to file a timely appeal).

NOW, THEREFORE, IT IS ORDERED that:

A. The motion to withdraw is GRANTED.

B. Margaret R. Cooper, Esquire, is appointed as counsel to represent the Respondents.

C. This matter is REMANDED to the Family Court for the entry of a new order terminating the parental rights of the Respondents, Wilson and Lakeysha Devieux.

D. Ms. Cooper shall continue to represent the Respondents in the Family Court on remand and in this Court, should the Respondents wish to file an appeal from the new order terminating their parental rights.

E. Jurisdiction is not retained.

BY THE COURT:

/s/ Randy J. Holland
Justice