

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00104-CV

M. C., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF HAYS COUNTY, 428TH JUDICIAL DISTRICT
NO. 15-2494, HONORABLE MELISSA MCCLENAHAN, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

This cause arises from a suit to terminate M.C.'s parental rights. The matter was heard initially by an associate judge, who recommended termination. M.C. subsequently filed an appeal from the associate judge's recommendation and a request for a de novo hearing before the district court.¹ While that request was pending, M.C. filed a premature notice of appeal with the district court clerk, which our Clerk docketed in this cause.² Since that time, the clerk's and reporter's records from the proceedings below have been filed in this Court.

This Court has now received from M.C.'s newly appointed counsel a motion to abate the appeal. In it, counsel represents that M.C.'s request for a de novo hearing was granted and that

¹ See Tex. Fam. Code § 201.015(a)(1).

² See Tex. R. App. P. 25.1(a), 27.1(a).

the de novo hearing is set to commence on April 17, 2017. Counsel suggests that, “[g]iven the relatively short period of time until the de novo hearing,” and considering “that a number of records have already been filed under the appellate case number already assigned,” “it would be judicially economical to simply abate this matter until a final order is rendered and signed by the district judge on or shortly after April 17, 2017.”

We agree that the appropriate course of action under these circumstances is to abate the appeal. Accordingly, we grant appellant’s motion and abate this appeal pending the district court’s final order in this matter. A supplemental clerk’s record containing the district court’s final order is due in this Court no later than May 1, 2017. The appeal will be reinstated upon receipt of the supplemental clerk’s record.

Before Justices Puryear, Pemberton, and Goodwin

Abated and Remanded

Filed: April 12, 2017