



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00064-CV

IN THE INTEREST OF D.B.M., a Child

From the 216th Judicial District Court, Kerr County, Texas
Trial Court No. 16246A
Honorable Cathy Morris, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Sandee Bryan Marion, Chief Justice
Marialyn Barnard, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: July 19, 2017

AFFIRMED; MOTION TO WITHDRAW DENIED

D.R.H.¹ appeals the trial court's order terminating his parent-child relationship with the child D.B.M. Appellant's court-appointed appellate attorney filed a brief and motion to withdraw containing a professional evaluation of the record, asserting there are no arguable grounds to be advanced, and concluding the appeal is frivolous. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). See *In re P.M.*, — S.W.3d —, No. 15-0171, 2016 WL 1274748 at *3 n.10 (Tex. April 1, 2016) (stating that *Anders* procedures protect indigent parents' statutory right to counsel on appeal in parental rights termination cases and apply in those cases). Appellant was provided copies of the brief and the appellate record, and was advised of his right to file his

¹ To protect the identity of the minor child, we refer to the father and child by their initials. See TEX. FAM. CODE ANN. § 109.002(d) (West 2014); TEX. R. APP. P. 9.8.

own brief. Appellant has filed a pro se affidavit in which he asserts that he received ineffective assistance of counsel and an unfair trial and that the evidence does not support the grounds for termination found by the trial court.

We have thoroughly reviewed the record, the attorney's *Anders* brief, and appellant's pro se affidavit, and we agree with counsel that the appeal is without merit. Accordingly, we affirm the trial court's termination order.

However, we deny counsel's motion to withdraw because counsel does not assert any ground for withdrawal apart from his conclusion that the appeal is frivolous. *See In re A.M.*, 495 S.W.3d 573, 583 (Tex. App.—Houston [1st Dist.] 2016, pet. denied). Counsel's duty to his client extends through the exhaustion or waiver of all appeals, including the filing of a petition for review in the Texas Supreme Court. *See* TEX. FAM. CODE ANN. § 107.016(2) (West 2014); *In re P.M.*, 2016 WL 1274748 at *3. After this court has rendered its decision, appointed counsel's obligations to his client may be satisfied by filing a petition for review that satisfies the standards for an *Anders* brief. *See In re P.M.*, 2016 WL 1274748, at *3 & n.14.

Luz Elena D. Chapa, Justice