



**IN THE
TENTH COURT OF APPEALS**

No. 10-17-00281-CV

IN THE INTEREST OF H.B., A CHILD

**From the 361st District Court
Brazos County, Texas
Trial Court No. 16-001947-CV-361**

MEMORANDUM OPINION

Jack B. appeals from an order that terminated the parent-child relationship between him and his child, H.B. *See* TEX. FAM. CODE ANN. § 161.001 (West 2014). Jack's appointed counsel has filed an *Anders* brief asserting that the appeal presents no issues of arguable merit. *See Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed.2d 493 (1967). The procedures set forth in *Anders v. California* are applicable to appeals of orders terminating parental rights. *In re E.L.Y.*, 69 S.W.3d 838, 841 (Tex. App.—Waco 2002, order). Counsel advised Jack that counsel had filed the brief pursuant to *Anders* and that Jack had the right to review the record and file a *pro se* response on his own behalf. Counsel also provided Jack with a copy of the record. Jack did not file a response with

this Court.

Counsel included a detailed recitation of the facts in the *Anders* brief and asserted that counsel reviewed the trial court's jurisdiction and the record for any potentially meritorious issues, and determined there is no non-frivolous issue to raise in this appeal. Counsel's brief discusses the sufficiency of the evidence relating to one ground of the three on which the termination was granted and the best interest of the child. Counsel's brief also presents potential evidentiary issues from the trial and why those issues do not have merit. Counsel's brief evidences a professional evaluation of the record, and we conclude that counsel performed the duties required of appointed counsel. *See Anders*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807, 812-813 (Tex. Crim. App. 1978); *see also In re Schulman*, 252 S.W.3d 403, 406-408 (Tex. Crim. App. 2008).

Upon the filing of the *Anders* brief, as the reviewing appellate court, it is our duty to independently examine the record to decide whether counsel is correct in determining that an appeal is frivolous. *See Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *see also In re G.P.*, 535 S.W.3d 531, 536 (Tex. App.—Waco 2016, pet. denied). Arguments are frivolous when they "cannot conceivably persuade the court." *McCoy v. Court of Appeals*, 486 U.S. 429, 436, 108 S. Ct. 1895, 100 L. Ed. 2d 440 (1988).

We have carefully reviewed the entire record and the *Anders* brief, and determine that the appeal is frivolous. *See In re D.D.*, 279 S.W.3d 849, 850 (Tex. App.—Dallas 2009, pet. denied). Accordingly, we affirm the trial court's order of termination.

CONCLUSION

Having found no meritorious issues presented in this appeal, we affirm the judgment of the trial court.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Affirmed

Opinion delivered and filed February 21, 2018
[CV06]

