



IN THE  
TENTH COURT OF APPEALS

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No. 10-20-00089-CV

IN THE INTEREST OF L.B.K.A., A CHILD

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From the 82nd District Court  
Falls County, Texas  
Trial Court No. 40498

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MEMORANDUM OPINION

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Aiesha P. appeals from an order that terminated the parent-child relationship between her and her child, L.B.K.A. *See* TEX. FAM. CODE ANN. § 161.001. Aiesha's appointed counsel has filed a brief pursuant to *Anders v. California* 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* 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 Aiesha that counsel had filed the brief pursuant to *Anders* and that Aiesha had the right to review the record and file a *pro se*

response on her own behalf. Counsel also provided Aiesha with a copy of the record. Aiesha 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 Section 161.001(b)(1)(E) which was one ground of the six on which the termination was granted as well as the best interest of the child. 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; *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 In the Interest of G.P.*, 503 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).

Having carefully reviewed the entire record and the *Anders* brief, we agree with counsel 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 Neill

Affirmed

Opinion delivered and filed July 22, 2020  
CV06

