

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00186-CV

I. R. G. and A. N., Appellants

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT
NO. 290,249-B, HONORABLE JACK WELDON JONES, JUDGE PRESIDING**

MEMORANDUM OPINION

Father, I.R.G. and mother, A.N. appeal the district court's decree rendered on a jury's verdict terminating their parental rights to their minor children, K.A.G. and K.B.G.¹ Mother, who has three other minor children by different men, also appeals the portion of the decree terminating her parental rights to her children, M.N., Z.G., and A.D.

After trial, the jury found by clear and convincing evidence that Father's parental rights to K.A.G. and K.B.G. should be terminated because Father committed acts or omissions justifying termination of his parental rights and because termination of Father's parental rights was in the children's best interest. *See* Tex. Fam. Code § 161.001(b)(1)(D), (E), (N), (O), 2. Additionally, the jury found by clear and convincing evidence that Mother's parental rights to all

¹ We use fictitious initials for the children with the same initials. *See* Tex. Fam. Code § 109.002(d); Tex. R. App. P. 9.8(b)(2).

five of her children, K.A.G., K.B.G., M.N., Z.G., and A.D., should be terminated because Mother committed acts or omissions justifying termination of her parental rights and because termination of Mother's parental rights was in the children's best interest. *See id.* § 161.001(b)(1)(D), (E), (O), (2).

On appeal, Father's and Mother's court-appointed attorneys each filed a brief discussing the evidence and the standard of review, concluding that their client has no arguable grounds for appeal and that their client's appeal is wholly frivolous. *See Anders v. California*, 386 U.S. 738, 744 (1967); *High v. State*, 573 S.W.2d 807, 811 (Tex. Crim. App. 1978); *see also Taylor v. Texas Dep't of Protective & Regulatory Servs.*, 160 S.W.3d 641, 646–47 (Tex. App.—Austin 2005, pet. denied) (applying *Anders* procedure in appeal from termination of parental rights). Father's and Mother's attorneys have each certified to this Court that they provided their respective clients with a copy of the brief, along with a notice advising their clients of their rights to examine the appellate record and to file a pro se brief. Neither Father nor Mother filed a pro se brief.

Having thoroughly reviewed the record and the *Anders* briefs, we agree with counsels' assessments that this appeal by Father and Mother is frivolous and without merit. However, we have found a clerical error in the section of the decree identifying the "Parents of the Children," listing J.D. and I.R.G. as the father of K.B.G.² Consistent with other sections of the decree, J.D. should be identified as the father of A.D.³ Accordingly, we modify the district court's

² As noted above, I.R.G. is the father of K.B.G.

³ Although we identify J.D. and A.D. only by their initials in this opinion, the Decree of Termination should be modified using their full names as reflected in the "Appearances" and "Termination" sections of the unredacted decree. We note that J.D. executed an irrevocable affidavit of relinquishment of his parental rights to A.D. *See* Tex. Fam. Code § 161.001(b)(1)(K) (authorizing termination of parental rights based on that parent's affidavit of relinquishment), .103 (addressing affidavits of voluntary relinquishment of parental rights).

March 13, 2018 Decree of Termination to identify J.D. as the father of A.D. and affirm the district court's decree as modified. Mother's counsel's motion to withdraw as attorney of record is denied.

See In re P.M., 520 S.W.3d 24, 27 (Tex. 2016).⁴

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Goodwin and Field

Modified and, as Modified, Affirmed

Filed: June 5, 2018

⁴ The Texas Supreme Court has held that the right to counsel in suits seeking termination of parental rights extends to “all proceedings in [the Texas Supreme Court], including the filing of a petition for review.” *In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016). Thus, counsel's obligation to Mother has not yet been discharged, and his motion to withdraw as counsel of record is premature. *See id.* If Mother, after consulting with counsel, desires to file a petition for review, counsel should timely file with the Texas Supreme Court “a petition for review that satisfies the standards for an *Anders* brief.” *Id.* at 27–28.