

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00482-CV

D. C. and K. C., Appellants

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT
NO. 295,388-B, HONORABLE CHARLES H. VAN ORDEN, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellants D. C. and K. C. appeal from the trial court's order terminating their parental rights to their children. *See* Tex. Fam. Code § 161.001. Following a bench trial, the trial court entered judgment finding by clear and convincing evidence that statutory grounds existed for terminating D. C.'s and K. C.'s parental rights and that termination was in the children's best interest. *See id.* § 161.001(b)(1)(N), (b)(2).

Appellants' court-appointed counsel has filed a brief concluding that the appeals are frivolous and without merit. *See Anders v. California*, 386 U.S. 738, 744 (1967); *In re P.M.*, 520 S.W.3d 24, 27 & n.10 (Tex. 2016) (per curiam) (approving use of *Anders* procedure in appeals from termination of parental rights because it "strikes an important balance between the defendant's constitutional right to counsel on appeal and counsel's obligation not to prosecute frivolous appeals" (citations omitted)). The brief meets the requirements of *Anders* by presenting a professional

evaluation of the record and demonstrating why there are no arguable grounds to be advanced on appeal. *See* 386 U.S. at 744; *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 parental-termination case). Appellants' counsel has certified to this Court that she has made diligent efforts to provide her clients with a copy of the *Anders* brief and information regarding where they may obtain a copy of the record as well as their right to file pro se briefs. The Department of Family and Protective Services has filed a response to the *Anders* brief waiving its right to file an appellee's brief but requesting that it be afforded an opportunity to respond to any pro se briefs filed by appellants. To date, no pro se briefs have been filed.

We have conducted a full examination of all of the proceedings to determine whether the appeals are wholly frivolous, as we must when presented with an *Anders* brief. *See Penson v. Ohio*, 488 U.S. 75, 80 (1988). After reviewing the record and the *Anders* brief, we find nothing in the record that would arguably support either D. C.'s or K. C.'s appeal. We agree with appellants' counsel that the appeals are frivolous and without merit. Accordingly, we affirm the trial court's order terminating the parental rights of D. C. and K. C. We deny counsel's motion to withdraw.¹

¹ 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, 27–28 (Tex. 2016) (per curiam). Accordingly, counsel's obligations to D. C. and K. C. have not yet been discharged. *See id.* If after consulting with counsel appellants desire to file petitions for review, their counsel should timely file with the Texas Supreme Court “a petition for review that satisfies the standards for an *Anders* brief.” *See id.*

David Puryear, Justice

Before Justices Puryear, Goodwin, and Bourland

Affirmed

Filed: October 24, 2018