

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00325-CV

J. G., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE 274TH DISTRICT COURT OF COMAL COUNTY
NO. C2021-0046C, THE HONORABLE DEBORAH WIGINGTON, JUDGE PRESIDING**

MEMORANDUM OPINION

J.G. (Father) appeals from the trial court’s final order in suit affecting the parent-child relationship and order of termination following a bench trial.¹ *See* Tex. Fam. Code § 161.001. The trial court found by clear and convincing evidence that statutory grounds for terminating his parental rights existed and that termination was in his child R.G.’s best interest. *See id.* § 161.001(b)(1)(D), (E), (O), (P), (2).

On appeal, Father’s court-appointed attorney has filed a brief concluding that his appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738, 744 (1967); *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

¹ We refer to appellant by his initials or as Father and his child by the child’s initials. *See* Tex. Fam. Code § 109.002(d); Tex. R. App. P. 9.8. The parental rights of the child’s mother also were terminated in the final order, but she has not appealed.

rights). The brief meets the requirements of *Anders* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced on appeal. *See* 386 U.S. at 744; *Taylor*, 160 S.W.3d at 646–47. Father’s attorney has certified to this Court that he provided a copy of the *Anders* briefs to Father and informed his of his right to examine the appellate record and to file a pro se brief. To date, Father has not filed a pro se brief.

Upon receiving an *Anders* brief, we must conduct a full examination of the proceedings to determine whether the appeal is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80 (1988). We have reviewed the entire record, including the *Anders* brief submitted on Father’s behalf, and have found nothing that would arguably support an appeal. Our review included the trial court’s endangerment findings, *see* Tex. Fam. Code § 161.001(b)(1)(D), (E), and we have found no issues that could be raised on appeal with respect to those findings, *see In re N.G.*, 577 S.W.3d 230, 237 (Tex. 2019). We agree that the appeal is frivolous and without merit. Accordingly, we affirm the trial court’s final order.²

Melissa Goodwin, Justice

Before Justices Goodwin, Baker, and Kelly

Affirmed

Filed: August 31, 2022

² We deny Father’s counsel’s motion to withdraw as attorney of record. *See In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016) (per curiam). If Father, after consulting with counsel, desires to file a petition for review, his counsel should timely file with the Texas Supreme Court “a petition for review that satisfies the standards for an *Anders* brief.” *See id.* at 27–28.