

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00482-CV

S. V., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE 53RD DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-FM-20-007029, THE HONORABLE LORA J. LIVINGSTON, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Father appeals from a final decree terminating his parental rights to his daughter, “Danielle,” aged 11 years at the time of the jury trial. The jury found by clear and convincing evidence that termination is in Danielle’s best interest and that the Department of Family and Protective Services had satisfied its burdens under predicates (D) (endangerment), (E) (placement in circumstances resulting in endangerment), and (O) (failure to comply with court-ordered service plan). *See* Tex. Fam. Code § 161.001(b)(1)(D), (E), (O), (b)(2). The trial entered final judgment consistent with those findings; the court also terminated Mother’s rights, but Mother did not appeal.

Counsel for Father has filed a brief arguing that the record reveals only frivolous challenges to the final decree. *See Anders v. California*, 386 U.S. 738, 744 (1967) (stating that court-appointed counsel who believes appeal is wholly frivolous should file motion to withdraw

“accompanied by a brief referring to anything in the record that might arguably support the appeal”); *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). We will affirm the decree of termination.

Father’s court-appointed attorney has a filed brief concluding that any appeal is frivolous and without merit. *See Anders*, 386 U.S. at 744; *P.M.*, 520 S.W.3d at 27 & n.10. This brief meets the requirements of *Anders* by presenting a professional evaluation of the record demonstrating that there are no arguable grounds for reversal to be advanced on appeal. *See* 386 U.S. at 744; *Taylor v. Texas Dep’t of Protective & Regul. Servs.*, 160 S.W.3d 641, 646–47 (Tex. App.—Austin 2005, pet. denied) (applying *Anders* procedure in parental-rights termination case). Counsel has also certified to this Court that Father was provided with a copy of the *Anders* brief and notice of the right to file a pro se brief, which he did.

Upon receipt of 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). After reviewing the record and the briefing, including the trial court’s findings under subsections (D) and (E), *see* Tex. Fam. Code § 161.001(b)(1)(D), (E); *In re N.G.*, 577 S.W.3d 230, 236–37 (Tex. 2019) (per curiam), we find nothing that would arguably support a meritorious appeal. We thus agree with counsel that any appeal is frivolous and without merit.

CONCLUSION

For the reasons stated herein, we affirm the final decree of termination.

Edward Smith, Justice

Before Chief Justice Byrne, Justices Triana and Smith

Affirmed

Filed: December 30, 2022