

Commonwealth of Kentucky

Court of Appeals

NO. 2013-CA-001650-ME

M.B.

APPELLANT

APPEAL FROM HOPKINS CIRCUIT COURT
FAMILY COURT DIVISION

v. HONORABLE SUSAN WESLEY MCCLURE, JUDGE
ACTION NO. 13-AD-00004

CABINET FOR HEALTH AND FAMILY
SERVICES, COMMONWEALTH OF
KENTUCKY; AND J.K.B., A MINOR CHILD

APPELLEES

OPINION
AFFIRMING

** ** * * * * *

BEFORE: DIXON, NICKELL, AND TAYLOR, JUDGES.

TAYLOR, JUDGE: M.B. brings this appeal from an August 26, 2013, Order and Judgment of the Hopkins Circuit Court, Family Court Division, (family court) terminating M.B.'s parental rights as to J.K.B. We affirm.

M.B. is the biological father of J.K.B., who was born on January 5, 2004.

J.K.B.'s biological mother passed away on June 1, 2006. J.K.B. was committed to

the custody of the Commonwealth of Kentucky, Cabinet for Health and Family Services, (Cabinet) on several occasions, and on June 19, 2012, the Cabinet was given emergency custody of J.K.B. Since that time, J.K.B. has been in the continuous care and custody of the Cabinet; J.K.B. has thus been in the care of the Cabinet for about one-third of his life.

On March 12, 2013, the Cabinet filed a petition to involuntarily terminate M.B.'s parental rights as to J.K.B. After conducting a hearing, the family court involuntarily terminated M.B.'s parental rights by order and judgment entered August 26, 2013. The family court made detailed findings of fact and conclusions of law and particularly found: M.B. has not provided any support for J.K.B., J.K.B. has been neglected by M.B., the Cabinet made efforts to reunite J.K.B. and M.B., M.B. is incapable of providing essential parental care and protection due to his alcohol dependency, M.B. failed to cooperate with the Cabinet, J.K.B. suffers from post-traumatic stress disorder due to J.K.B.'s belief that M.B. will kill him, and J.K.B. is making improvement while in the Cabinet's custody. In terminating M.B.'s parental rights, the circuit court concluded that J.K.B. was a neglected child, M.B. failed to provide essential parental care and protection to J.K.B. with no reasonable expectation of improvement, M.B. failed to provide essential food, clothing, shelter, medical care or education reasonably necessary for J.K.B.'s well-being for reasons other than poverty, and it was in the best interest of J.K.B. to terminate M.B.'s parental rights.

M.B.'s appointed counsel timely filed a notice of appeal from the August 26, 2013, Order and Judgment. Thereafter, M.B.'s appointed counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) and alleged that there were no meritorious issues in existence to present to the Court of Appeals. M.B.'s appointed counsel also filed a motion to withdraw. By order entered December 4, 2013, the Court of Appeals passed the motion to withdraw to the merits panel and gave M.B. thirty days to file a *pro se* brief. M.B. did not file a *pro se* brief.

When appealing an involuntary termination of parental rights, the appointed counsel for a parent is permitted to file an *Anders* brief if counsel believes the appeal is frivolous after conducting a good faith review of the record. *A.C. v. Cabinet for Health and Family Services*, 362 S.W.3d 361 (Ky. App. 2012). If counsel files an *Anders* brief, the Court of Appeals is bound to “independently review the record and ascertain whether the appeal is, in fact, void of nonfrivolous grounds for reversal.” *Id.* at 372.

We have thoroughly reviewed the record and conclude that sufficient evidence supports the family court's decision to terminate M.B.'s parental rights. The circuit court rendered detailed findings of fact and complied with relevant statutory mandates for involuntarily terminating M.B.'s parental rights. We can find no legal ground or reason to set aside the family court's judgment. In short, we agree with counsel that no valid basis exists to warrant relief before this Court.

See A.C., 362 S.W.3d 361. Accordingly, we conclude that the family court did not commit reversible error upon the involuntary termination of M.R.'s parental rights.

For the foregoing reasons, the Order and Judgment of the Hopkins Circuit Court, Family Court Division is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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