



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00459-CV

IN THE INTEREST OF A.M. a/k/a A.R. and X.R., Minor Children

From the 408th Judicial District Court, Bexar County, Texas
Trial Court No. 2011-PA-00088
Honorable Charles E. Montemayor, Judge Presiding

Opinion by: Marialyn Barnard, Justice

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: December 12, 2012

MOTION TO WITHDRAW GRANTED; AFFIRMED

Appellant mother, Angela, appeals the trial court's judgment terminating her parental rights to A.M. a/k/a A.R. and X.R. The Texas Department of Family and Protective Services ("the Department") moved to have appellant's parental rights terminated on a variety of grounds. *See* TEX. FAM. CODE ANN. §§ 161.001(1)(A)-(G), (I)-(K), (M-S); 161.003(a) (West Supp. 2012). After a bench trial, the trial court found appellant's parental rights should be terminated because she: (1) failed to comply with the provision of a court order that established the actions necessary for her to obtain the return of the children; and (2) used a controlled substance in a manner that endangered the health or safety of the children. *See* TEX. FAM. CODE ANN. §§ 161.001(1)(O), (P). The trial court also determined termination would be in the best interest of the child. *Id.* § 161.001(2).

Appellant's court-appointed appellate attorney has filed a motion to withdraw and a brief containing a professional evaluation of the record demonstrating there are no arguable grounds to be advanced and concluding the appeal is frivolous. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). See *In re R.R.*, No. 04-03-00096-CV, 2003 WL 21157944, *4 (Tex. App.—San Antonio May 21, 2003, order) (applying *Anders* procedure to appeals from orders terminating parental rights), *disp. on merits*, 2003 WL 22080522 (Tex. App.—San Antonio Sept. 10, 2003, no pet.) (mem. op.). Appellant was provided a copy of the brief and informed of her right to file her own brief. See *Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio July 23, 1997, no pet.); *In re R.R.*, 2003 WL 21157944, at *4. Appellant did not file a *pro se* brief.

We have reviewed the record and the attorney's brief and we agree with counsel that the appellate points do not present a substantial question for appellate review. Accordingly, we hold the trial court did not err in terminating appellant's parental rights. We grant the motion to withdraw and affirm the trial court's judgment.

Marialyn Barnard, Justice