



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-13-00399-CV

**IN THE INTEREST OF R.R. and RA.R., Children**

From the 224th Judicial District Court, Bexar County, Texas  
Trial Court No. 2011-PA-01388  
Honorable Charles E. Montemayor, Judge Presiding<sup>1</sup>

Opinion by: Marialyn Barnard, Justice

Sitting: Catherine Stone, Chief Justice  
Marialyn Barnard, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: October 2, 2013

**MOTION TO WITHDRAW GRANTED; AFFIRMED**

Appellant father, E.R., appeals the trial court's judgment terminating his parental rights to his children, R.R. and RA.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)-(K), (L)-(Q), (S); 161.003(a) (West 2008 & Supp. 2012). After a bench trial, the trial court found appellant's parental rights should be terminated because he: (1) constructively abandoned his children; (2) knowingly engaged in criminal conduct that resulted in his conviction and confinement and inability to care for his children for no less than two years from the date the petition was filed; and (3) failed to comply with the provision of a

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<sup>1</sup> The Honorable Cathy Stryker is the presiding judge of the 224th Judicial District Court of Bexar County, Texas. The termination order was signed by Associate Judge Charles E. Montemayor.

court order that established the actions necessary for him to obtain the return of his children. *See* TEX. FAM. CODE ANN. §§ 161.001(1)(N), (O), (Q). 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 his right to file his 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