



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00249-CV

IN THE INTEREST OF N.M.G., a Child

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2013-PA-01311
Honorable Charles E. Montemayor, Judge Presiding¹

Opinion by: Marialyn Barnard, Justice

Sitting: Catherine Stone, Chief Justice
Marialyn Barnard, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: September 3, 2014

MOTION TO WITHDRAW GRANTED; AFFIRMED

Appellant father appeals the trial court's judgment terminating his parental rights to his child, N.M.G. 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)-(H), (J)-(K), (M)-(Q); 161.003(a) (West 2014). After a bench trial, the trial court found appellant's parental rights should be terminated because he (1) engaged in conduct or knowingly placed the child with persons who engaged in conduct that endangered the physical or emotional well-being of the child; (2) constructively abandoned the child; (3) failed to comply with the provision of a court order that established the actions necessary for him to obtain the

¹ The Honorable John D. Gabriel is the presiding judge of the 131st Judicial District Court of Bexar County, Texas. The termination order was signed by Associate Judge Charles E. Montemayor.

return of his child; (4) knowingly engaged in criminal conduct that resulted in his conviction for an offense and confinement or imprisonment and inability to care for the child for not less than two years from the date the petition was filed; and (5) after waiving service of process or being served with citation, did not respond by timely filing an admission of paternity or by filing a counterclaim for paternity or for voluntary paternity before the final hearing. *See* TEX. FAM. CODE ANN. § 161.001(1)(E), (N), (O), (Q); 161.002(b). 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. This court provided appellant with a copy of the appellate record. *See Kelly v. State*, No. PD-0702-13, 2014 WL 2865901, at *4 (Tex. Crim. App. June 25, 2014). 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