



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00659-CV

IN THE INTEREST OF O.K. IV, a Child

From the 438th Judicial District Court, Bexar County, Texas
Trial Court No. 2014-PA-00140
Honorable Charles E. Montemayor, Judge Presiding¹

Opinion by: Marialyn Barnard, Justice

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

Delivered and Filed: December 17, 2014

MOTION TO WITHDRAW GRANTED; AFFIRMED

Appellant mother appeals the trial court's judgment terminating her parental rights to her child O.K. IV. 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), and (M)-(R), 161.003 (West 2014). After a bench trial, the trial court found appellant's parental rights should be terminated because mother violated sections (B), (C), (M), (N), and (R) of section 161.001(1) of the Texas Family Code. *See* TEX. FAM. CODE ANN. § 161.001(1)(B), (C), (M), (N), and (R) (West 2014). The trial court further determined

¹ The Honorable Gloria Saldaña is the presiding judge of the 438th Judicial District Court Bexar County, Texas. The order of termination in this matter was signed by the Honorable Charles Montemayor, Associate Judge.

termination would be in the best interests of the child pursuant to section 161.001(2). *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 obtain a copy of the appellate record and 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. Appointed counsel provided appellant with a form which she could sign, date, and file with this court in order to obtain a copy of the record. *See Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014). Appellant filed neither a request for the record nor 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