



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

MEMORANDUM OPINION

No. 04-18-00301-CV

IN THE INTEREST OF A.M.O., a Child

From the 285th Judicial District Court, Bexar County, Texas
Trial Court No. 2017PA01432
Honorable Richard Garcia, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Marialyn Barnard, Justice
Rebeca C. Martinez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: October 17, 2018

MOTION TO WITHDRAW DENIED; AFFIRMED

The Texas Department of Family and Protective Services filed this suit, seeking to terminate the rights of the parents of A.M.O.¹ After a trial to the bench, the court terminated the rights of the child's parents and designated the Department to be the child's permanent managing conservator. J.A.O., the child's father, timely appealed the trial court's order.

Appellant's court-appointed appellate attorney filed a brief in which she concluded there are no non-frivolous issues to be raised on appeal. The brief minimally meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). See *In re P.M.*, 520 S.W.3d 24, 27 n.10 (Tex. 2016) (stating that *Anders* procedures protect indigent parents' statutory right to counsel on appeal in

¹ To protect the identity of the minor child, we refer to the parties by their initials. See TEX. FAM. CODE ANN. § 109.002(d) (West Supp. 2017); TEX. R. APP. P. 9.8.

parental rights termination cases and apply in those cases). Counsel advised that she sent a copy of the brief and a letter advising appellant of his rights to review the record and file a pro se brief to appellant's last known address. This court set a deadline to file the pro se brief and attempted to contact appellant, but the mail has been returned as "undeliverable." See *In re Schulman*, 252 S.W.3d 403, 408 n. 21 (Tex. Crim. App. 2008) ("A defendant who fails to keep his attorney informed of his current address forfeits the right to receive a copy of the *Anders* brief and the right to file a *pro se* brief."). Appellant has not filed a pro se brief.

We have thoroughly reviewed the record and the attorney's *Anders* brief, and we agree with counsel that the appeal is without merit. See *Interest of K.S.L.*, 538 S.W.3d 107, 112 (Tex. 2017). Therefore, we affirm the trial court's termination order. See *In re J.D.L.*, No. 04-11-00055-CV, 2011 WL 3328719, at *1 (Tex. App.—San Antonio, Aug. 3, 2011, no pet.) (mem. op.) (affirming termination order despite inability to inform appellant of rights pursuant to *Anders*).

Counsel filed a motion to withdraw in conjunction with her *Anders* brief. We deny the motion to withdraw because it does not assert any ground for withdrawal apart from counsel's conclusion that the appeal is frivolous. See *In re P.M.*, 520 S.W.3d at 27; *In re A.M.*, 495 S.W.3d 573, 583 (Tex. App.—Houston [1st Dist.] 2016, pet. denied). Counsel's duty to her client extends through the exhaustion or waiver of all appeals, including the filing of a petition for review in the Texas Supreme Court. See TEX. FAM. CODE ANN. § 107.016(2) (West 2014); *In re P.M.*, 520 S.W.3d at 27-28 & n.14.

Luz Elena D. Chapa, Justice