



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00329-CV

IN THE INTEREST OF S.I., H.I., and W.I., Children

From the 37th Judicial District Court, Bexar County, Texas
Trial Court No. 2017-PA-01391
Honorable Charles E. Montemayor, 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 the children S.I., H.I., and W.I.¹ After a trial to the bench, the court terminated the rights of the children's parents, including the appellant-father S.I., and designated the Department to be the children's permanent managing conservator.

Appellant's court-appointed appellate attorney filed a brief in which he concluded there are no non-frivolous issues to be raised on appeal. Counsel certified that he sent appellant a copy of the brief and a letter advising him of his conclusion and of his rights to review the record and to file a pro se brief. Counsel's letter also provided appellant a form to use to request access to the

¹ To protect the identity of the minor children, 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.

record and enclosed a copy of counsel's motion to withdraw, which counsel stated he had filed. Counsel subsequently filed a motion to withdraw in this court.

The brief meets the minimum 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 parental rights termination cases and apply in those cases). Appellant did not request access to the appellate record or file 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 *In re K.S.L.*, 538 S.W.3d 107, 112 (Tex. 2017). We therefore affirm the trial court's order. However, we deny counsel's motion to withdraw because the motion 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 his 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); *In re P.M.*, 520 S.W.3d at 27.

Luz Elena D. Chapa, Justice