



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00508-CV

IN THE INTEREST OF J.T.G. and E.R.G., Children

From the 218th Judicial District Court, Atascosa County, Texas
Trial Court No. 17-04-0312-CVA
Honorable Melissa Uram-Degerolami, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Rebeca C. Martinez, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: December 5, 2018

MOTION TO WITHDRAW DENIED; AFFIRMED

The Texas Department of Family and Protective Services filed this suit, seeking termination of the parent-child relationship between appellant and her children. Appellant executed a voluntary affidavit of relinquishment of her parental rights. At a bench trial, there was evidence that appellant executed the affidavit voluntarily and that termination was in the children's best interest. The trial court signed a judgment terminating appellant's parental rights to the children. Appellant filed a timely notice of appeal, stating appellant "desires to appeal the order of termination."

Appellant's court-appointed appellate attorney filed a brief concluding there are no non-frivolous issues to be raised on appeal. *See Anders v. California*, 386 U.S. 738 (1967); *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). Counsel certified appellant was sent a copy of the brief and a letter advising her of her rights to review the record and to file a *pro se* brief. Counsel also provided appellant a form to use to request access to the record. In addition, counsel filed a motion to withdraw. This court issued an order setting deadlines to request access to the record and to file a *pro se* brief and holding the motion to withdraw in abatement. Appellant did not file a *pro se* brief.

We have thoroughly reviewed the record and the attorney's *Anders* brief. The record establishes by clear and convincing evidence the sole ground for termination and that termination is in the children's best interest. *See* TEX. FAM. CODE § 161.001; *In re J.O.A.*, 283 S.W.3d 336, 344-45 (Tex. 2009); *In re A.V.*, 113 S.W.3d 355, 362 (Tex. 2003). Upon a thorough review of the record, we conclude the evidence is legally and factually sufficient to support the termination order and there are no other arguably meritorious grounds for appeal. *In re K.S.L.*, 538 S.W.3d 107, 111 (Tex. 2017) (holding evidence that affidavit of relinquishment will generally be sufficient to support a termination order). Therefore, we affirm the trial court's termination order.

Counsel filed a motion to withdraw in conjunction with his *Anders* brief. We deny counsel's 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 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 § 107.016(3); *In re P.M.*, 520 S.W.3d at 27.

Luz Elena D. Chapa, Justice