



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00612-CV

IN THE INTEREST OF S.N.M., L.A.M. Jr., and B.C.M., Children

From the 224th Judicial District Court, Bexar County, Texas
Trial Court No. 2017-PA-02540
Honorable Charles Montemayor, Associate Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: December 19, 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. After a bench trial, the trial court signed a judgment terminating appellant's parental rights, finding appellant had knowingly endangered and constructively abandoned her children, and that she failed to comply with court-ordered provisions of her family service plan. The trial court also found that termination of appellant's parental rights is in the children's best interest. Appellant filed a timely notice of appeal, and she was appointed counsel for her appeal.

Appellant's court-appointed appellate attorney has 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 grounds 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 has also 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