



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

**MEMORANDUM OPINION**

No. 04-18-00872-CV

**IN THE INTEREST OF C.M.S., a Child**

From the 288th Judicial District Court, Bexar County, Texas  
Trial Court No. 2015-PA-01181  
Honorable Richard Garcia, Judge Presiding

Opinion by: Patricia O. Alvarez, Justice

Sitting: Sandee Bryan Marion, Chief Justice  
Patricia O. Alvarez, Justice  
Beth Watkins, Justice

Delivered and Filed: April 17, 2019

**AFFIRMED; MOTION TO WITHDRAW DENIED**

Appellant Mom appeals the trial court's order terminating her parental rights to her child C.M.S.<sup>1</sup> For the reasons given below, we affirm the trial court's order.

The Department sought temporary conservatorship of the child for Mom's alleged illegal drug use, with weapons and illegal drugs in the home and accessible to ten-year-old C.M.S.<sup>2</sup> The trial court heard evidence that the Department reviewed Mom's service plan with her. Mom handwrote notes rebutting some of the factual allegations, and she signed the plan. Mom was ordered to complete individual counseling, psychological evaluation, psychosocial assessment, anger management course, parenting course, and drug treatment. She completed her psychological

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<sup>1</sup> To protect the minor's identity, we refer to the mother and the child using aliases. *See* TEX. R. APP. P. 9.8.

<sup>2</sup> Because Mom is the only appellant, we limit our recitation of the facts to those that pertain to Mom or the child.

evaluation, but she did not complete her other ordered services. Mom has been incarcerated repeatedly during the plan period, and she is currently incarcerated. When she was not incarcerated, Mom visited C.M.S. only three of twenty-two scheduled visits, and she failed to report for even a single drug test. Mom denied she has a drug problem, but the case worker said Mom has a history of drug abuse for at least three years, and Mom has not made any positive changes in her life. The placement family loves C.M.S. and wants to adopt. C.M.S. is a straight A student, is thriving, and is bonded to the placement parents and their children.

The trial court found Mom's course of conduct met statutory grounds (E), (F), (N), and (O), and terminating Mom's rights was in the child's best interest. It terminated Mom's parental rights to the child. Mom appeals.

#### ***ANDERS BRIEF***

Mom's court-appointed counsel filed a motion to withdraw and a brief containing a professional evaluation of the record. The brief concludes there are no arguable grounds to reverse the termination order. The brief satisfies 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) (per curiam) (applying *Anders* procedures to parental rights termination cases). Counsel also represents that he provided Mom with a copy of the *Anders* brief, his motion to withdraw, and a form to request a free copy of the appellate record. He advised Mom of her right to review the record and file her own brief.

We ordered Mom to file her pro se brief, if any, not later than March 13, 2019. Mom did not request a copy of the record or file a pro se brief.

Having carefully reviewed the entire record and counsel's brief, we conclude the evidence was legally and factually sufficient to support the trial court's findings by clear and convincing evidence. We further conclude that there are no plausible grounds to reverse the termination order. We affirm the trial court's order.

**MOTION TO WITHDRAW**

In his motion to withdraw, court-appointed appellate counsel does not assert any ground for withdrawal other than his conclusion that the appeal is frivolous. Counsel’s duty to Mom is not yet complete; the motion to withdraw is denied. *See id.* at 27, n.11; *see also* TEX. FAM. CODE ANN. § 107.016(3); *In Interest of A.M.*, 495 S.W.3d 573, 583 (Tex. App.—Houston [1st Dist.] 2016, pet. denied) (“If the mother wishes to pursue an appeal to the Supreme Court of Texas, ‘appointed counsel’s obligations can be satisfied by filing a petition for review that satisfies the standards for an *Anders* brief.’” (quoting *In re P.M.*, 520 S.W.3d at 27–28)).

Patricia O. Alvarez, Justice