



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00312-CV

IN THE INTEREST OF K.S.G.H. and K.R.H.

From the 150th Judicial District Court, Bexar County, Texas
Trial Court No. 2019-PA-02157
Honorable Charles E. Montemayor, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Luz Elena D. Chapa, Justice
Irene Rios, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: December 8, 2021

MOTION TO WITHDRAW DENIED; AFFIRMED

B.H. appeals the trial court's order terminating the parent-child relationship between him and the children K.S.G.H. and K.R.H.¹ The order was rendered after a trial to the bench and included findings, by clear and convincing evidence, that termination of B.H.'s rights is in the children's best interest and that two independent grounds² support terminating B.H.'s rights. The order designated the Texas Department of Family and Protective Services as the children's permanent managing conservator. B.H. timely appealed the order.

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

² TEX. FAM. CODE § 161.001(b)(1)(N) (constructively abandoned child); (O) (failed to comply with court ordered services).

Appellant's court-appointed appellate attorney filed a brief in which she concluded there are no nonfrivolous 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) (per curiam) (stating that *Anders* procedures protect indigent parents' statutory right to counsel on appeal in parental rights termination cases and apply in those cases). Counsel also filed a motion to withdraw. Counsel has shown she sent a letter to B.H., enclosing copies of the brief and motion to withdraw. *See Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014); *In re A.L.H.*, No. 04-18-00153-CV, 2018 WL 3861695, at *2 (Tex. App.—San Antonio Aug. 15, 2018, no pet.). The letter explained to B.H. his right to review the record and to file a pro se brief. *See id.* Counsel also advised B.H. that if he wished to review the record, he must file a motion in this court; counsel further provided B.H. with a form to request access to the record. *See id.* This court issued an order setting deadlines for B.H. to request access to the record and to file a pro se brief. B.H. did not request access to the record and did not file a pro se brief.

We have thoroughly reviewed the record and the attorney's *Anders* brief. We conclude there are no nonfrivolous grounds for appeal. Therefore, we affirm the trial court's termination order.

In support of her motion to withdraw, counsel asserts the appeal is frivolous and she has been unable to communicate with her client consistent with an effective attorney client relationship. After reviewing the motion, we conclude the stated bases do not rise to good cause for withdrawal. *See* TEX. FAM. CODE ANN. § 107.016(2); *In re P.M.*, 520 S.W.3d at 26-28; *In re M.M.C.D-E.*, No. 04-19-00501-CV, 2019 WL 7196605, at *2 (Tex. App.—San Antonio Dec. 27, 2019, no pet.) (mem. op.). We therefore deny the motion to withdraw.

Luz Elena D. Chapa, Justice