

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-13-00298-CV

IN THE INTEREST OF T.H.

On Appeal from the 317th District Court
Jefferson County, Texas
Trial Cause No. C-216,393

MEMORANDUM OPINION

Appellant D.M., the father of the minor child T.H., appeals the trial court's final order in a suit affecting the parent-child relationship. We affirm the trial court's order.

The Department of Family and Protective Services ("the Department") filed an original petition for protection of a child, for conservatorship, and for termination in a suit affecting the parent-child relationship. After conducting an evidentiary hearing, the trial court did not terminate D.M.'s parental rights, but instead appointed T.H.'s maternal grandparents permanent managing conservators

of T.H. and appointed D.M. possessory conservator. The trial court's order provided that D.M. would have access to T.H. unless he should appear to be under the influence; gave the managing conservators the right to supervise D.M.'s visits and to require D.M. to submit to a drug test; and prohibited D.M. from having overnight or unsupervised visits with T.H.

D.M.'s appointed counsel submitted a brief in which he concludes that there are no arguable grounds to be advanced on appeal. The brief provides counsel's professional evaluation of the record, and counsel notified D.M. that he found no meritorious issues for appeal, provided a copy of the record to D.M., and notified D.M. of his right to file a *pro se* brief. Because this proceeding began as one in which the Department sought termination of parental rights, this Court accepted the *Anders* brief filed by appointed counsel. *See High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *see generally Anders v. California*, 386 U.S. 738 (1967); *In the Interest of L.D.T.*, 161 S.W.3d 728, 731 (Tex. App.—Beaumont 2005, no pet.) (applying *Anders* procedure in an appeal from termination of parental rights). This Court also notified appellant of his right to file a *pro se* response, as well as the deadline for filing it. We received no response from D.M.

After reviewing the clerk's record, the reporter's record, and counsel's brief, we agree with counsel's conclusion that there are no plausible grounds for appeal.

We find no arguable error requiring us to order appointment of new counsel to re-brief this appeal. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's order appointing D.M. possessory conservator of the minor child T.H. and grant appellate counsel's motion to withdraw.

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on November 5, 2013
Opinion Delivered November 21, 2013

Before McKeithen, C.J., Kreger and Horton, JJ.