

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00050-CV

IN THE INTEREST OF L.H.

On Appeal from the County Court at Law
Polk County, Texas
Trial Cause No. PC05952

MEMORANDUM OPINION

This is a parental-rights termination case. Following a bench trial, the trial court signed a judgment terminating the parental rights of V.M. (Mother) and R.G. (Father) to L.H., their son.¹ Mother filed a timely appeal from the trial court's final judgment; Father did not appeal.

The judgment reflects that the trial court found, by clear and convincing evidence, that Mother's parental rights should be terminated on two grounds, (1) because she failed to comply with a court order that established the actions

¹ To protect the identity of the parties, they have been identified by their initials. *See* Tex. R. App. P. 9.8.

necessary to obtain the return of her son, and (2) because she knowingly placed or knowingly allowed L.H. to remain in conditions or surroundings that endangered his physical or emotional well-being. *See* Tex. Fam. Code Ann. §§ 161.001(b)(1)(D), 161.001(b)(1)(O) (West Supp. 2015). The trial court also found that terminating Mother's parent-child relationship with L.H. is in L.H.'s best interest. *Id.* § 161.001(2) (West Supp. 2015).

In this appeal, Mother's court-appointed counsel filed a motion to withdraw, along with an *Anders* brief. In these, Mother's counsel argues that no issues of arguable merit are available to support an appeal. *See Anders v. California*, 386 U.S. 738 (1967); *In re L.D.T.*, 161 S.W.3d 728, 731 (Tex. App.—Beaumont 2005, no pet.). In the brief, counsel provides the court with counsel's professional evaluation of the record. In the motion, Mother's counsel certified that he sent Mother a copy of the *Anders* brief and his motion to withdraw, and in a separate letter that Mother's counsel filed with the court, he informed Mother of her right to review the record and file a *pro se* response. *See In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.). Mother has not filed a response.

We have reviewed counsel's brief and the trial court record. We conclude that no arguable grounds for appeal exist. We also conclude that it is not necessary to appoint another attorney to re-brief the appeal. *Cf. Stafford v. State*, 813 S.W.2d

503, 511 (Tex. Crim. App. 1991). We affirm the trial court's final judgment terminating Mother's parental rights, but we deny counsel's motion to withdraw without prejudice as premature. *See In the Interest of P.M.*, No. 15-0171, 2016 Tex. LEXIS 236, at **5-8 (Tex. Apr. 1, 2016) (not yet released for publication).

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on May 2, 2016
Opinion Delivered May 19, 2016

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