

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00043-CV

IN THE INTEREST OF D.F. AND A.F.

On Appeal from the 1st District Court
Jasper County, Texas
Trial Cause No. 32541

MEMORANDUM OPINION

B.H. (Mother) and J.F. (Father) (collectively Appellants) appeal from an order terminating their parental rights to their children, D.F. and A.F.¹ The trial court found, by clear and convincing evidence, that statutory grounds exist for termination of the Mother's parental rights and that termination of her rights would be in the best interest of the children. *See* Tex. Fam. Code Ann. § 161.001(b)(1)(D), (E), (O), (2) (West Supp. 2017). The trial court also found, by clear and convincing evidence, that statutory grounds exist for termination of the Father's parental rights and that

¹ To protect the identity of the minors, we use the initials for the children and their parents. *See* Tex. R. App. P. 9.8(b)(2).

termination of his rights would be in the best interest of the children. *See id.* at § 161.001(b)(1)(D), (E), (N), (O), (Q), (2).

Appellants' court-appointed appellate counsel submitted a brief in which counsel contends there are no meritorious grounds to be advanced on 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.). The brief provides counsel's professional evaluation of the record. Counsel certified that Appellants were served with a copy of the *Anders* brief filed on their behalf. This Court notified Appellants of their right to file a pro se response, as well as the deadline for doing so. This Court did not receive a pro se response from either of the Appellants. We have independently reviewed the appellate record and counsel's brief, and we agree that any appeal would be frivolous. 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).

Accordingly, we affirm the trial court's order terminating Appellants' parental rights. We deny the motion to withdraw filed by Appellants' court-appointed appellate attorney because an attorney's duty extends through the exhaustion or waiver of all appeals. *See Tex. Fam. Code Ann.* § 107.016(3)(B) (West Supp. 2017); *In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016). In the event that either B.H. or J.F.

decides to pursue an appeal to the Supreme Court of Texas, counsel may satisfy her obligations to the party “by filing a petition for review that satisfies the standards for an *Anders* brief.” *In re P.M.*, 520 S.W.3d at 27-28.

AFFIRMED.

LEANNE JOHNSON
Justice

Submitted on June 19, 2018
Opinion Delivered July 12, 2018

Before Kreger, Horton, and Johnson, JJ.