

NO. 07-12-00065-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
MARCH 27, 2012

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IN THE INTEREST OF C.B., A CHILD

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FROM THE 108TH DISTRICT COURT OF POTTER COUNTY;  
NO. 78,825-E; HONORABLE DOUGLAS WOODBURN, JUDGE

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Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

**ORDER OF ABATEMENT AND REMAND**

In this accelerated appeal, appellant B.W., appeals an order terminating her parental rights to her minor child C.B. Her court-appointed appellate counsel has filed a motion to withdraw from representation supported by an *Anders*<sup>1</sup> brief. By her brief counsel certifies that in her professional opinion the case presents “no arguable points of error.” Based on our review of the record filed by appellant, we find an arguable appellate issue exists as to the sufficiency of the evidence supporting the trial court’s finding that B.W. violated Family Code § 161.001(1)(O). Tex. Fam. Code Ann. §

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<sup>1</sup> *Anders v. California*, 386 U.S. 738, 744-45, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). This court has held that appointed counsel may file an *Anders* brief in an appeal from an order terminating parental rights. See *In re A.W.T.*, 61 S.W.3d 87, 88 (Tex.App.--Amarillo 2001, no pet.).

161.001(1)(O) (West Supp. 2011). The arguable issue includes, but is not necessarily limited to, whether legally and factually sufficient evidence established that C.B. was removed from B.W. under Chapter 262 of the Family Code for the abuse or neglect of C.B.

We therefore grant counsel's motion to withdraw. The case is abated and remanded to the trial court for the appointment of new counsel. Newly-appointed counsel shall prepare and file an appellant's brief developing the arguable issue we have identified as well as any other ground that might support reversal or modification of the judgment. Newly-appointed counsel shall not limit review to the record now on file with this court but may request supplementation to any extent deemed necessary.

The trial court shall notify this court in writing of the name, address, telephone number, fax number, and state bar number of B.W.'s newly-appointed counsel within ten days of the date of this order. Newly-appointed counsel shall file the appellate brief for B.W. within twenty days of the date of appointment by the trial court.

It is so ordered.

Per Curiam